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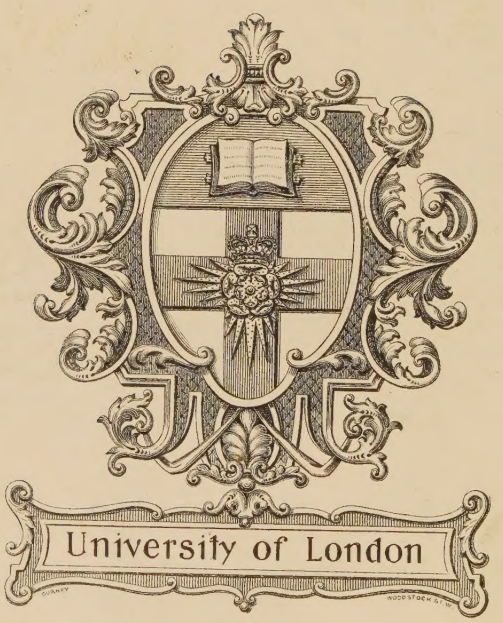

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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

7° & 8° VICTORIÆ, 1844.

VOL. LXXV.

COMPRISING THE PERIOD FROM

THE THIRTIETH DAY OF MAY,

TO

THE TWENTY-SIXTH DAY OF JUNE, 1844.

Fourth Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;

LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; R. H. EVANS; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; AND R. BALDWIN.

1844.

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II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.
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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FOURTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 1 FEBRUARY, 1844, IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, May 30, 1844.

MINUTES.] BILLS. *Public.*—1ª. Gold and Silver Wares.
2ª. Customs; West India Relief; Edinburgh Agreement; Education of the Poor, etc.
Private.—1ª. Ladbroke's Estate; Ramsden's Estate; W. H. B. Jordan Wilson's Estate; Cwm Celyn and Blaina Iron Company; Sheffield United Gas; Manchester Police; Manchester Royal Infirmary; South Eastern Railway; Swansea Harbour; Mackenzie's (Seaforth) Estate.
2ª. Brighton and Chichester Railway; Chester and Holyhead Railway.
3ª. and passed:—Blackburn and Preston Railway; Eastern Counties Railway (Brandon and Peterborough Extension); Northern and Eastern Railway (Newport Deviations); Maryport and Carlisle Railway.
PETITIONS PRESENTED. From Uffingham, against Creditors and Debtors Bill.—By Lord Kenyon, from St. Marylebone, Norfolk, and Reigate, against the Union of St. Asaph and Bangor.—From Bandon, and 11 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From the County of Norfolk, for Alteration of the Game Laws.—From Dundee, against the Dissenters Chapels Bill.

CIRCUITS OF THE JUDGES.] Lord *Brougham*, in moving for Returns relative to the number of Criminal trials which took place in the different circuits of England and Wales for the last two circuits, specifying the number tried at each place, expressed a hope that something would be done so as to make the Circuits more equal than they were at present.

The *Lord Chancellor* said, he understood the object of his noble and learned Friend's Motion to be to lay a foundation for an inquiry into the subject. It was impossible to make any change in the Circuits of the ensuing summer, but before the Spring Assizes of next year an alteration might be effected.

Lord *Brougham* was of opinion that the Northern Circuit might be divided into two with great advantage, and have two Judges to go on each of them.

The *Lord Chancellor* said, that his attention had been called to the subject, and that he had communicated with the Secretary of State for the Home Department, but there were great difficulties in the way of making any alteration in the next Summer Circuits.

The Duke of *Richmond* trusted, that if any alteration were made, the magistracy of the country would be made acquainted with it in due time, so that they might not commit prisoners for trial to the Quarter

Sessions, if there were a Court of Oyer and Terminer by which persons committed for criminal offences might be tried at an earlier period. This evil had actually occurred at the Winter Assizes for the county of Suffolk.

Lord *Brougham* expressed a hope that the anomaly with regard to the different periods which intervened between the committal and the trial that at present existed in the country and in the metropolis would be done away with. A prisoner committed to take his trial at the Central Criminal Court was seldom in prison for more than sixteen or eighteen days, whereas in Yorkshire, in Lincolnshire, in Somersetshire, in Cornwall, and other counties where there was not a third Circuit in the year, when a prisoner was sent to be tried by the Judges he might be in prison five or six months. At the Central Criminal Court prisoners were tried for offences committed in Southwark, which was in Surrey, in parts of Kent, Essex, and Middlesex, so that those counties in that respect had an advantage over the more distant counties. Of the fifty-one counties in England and Wales (Middlesex was not of course included), sixteen only had a third Circuit. Lincolnshire, which was the second county in size, had no Winter Circuit; neither had Sussex, nor Northampton, nor Somerset, nor Cornwall, all large counties. He trusted that the subject would be taken into the consideration of the Government, and that the anomaly would not be allowed to remain.

Lord *Campbell* said ,that there might be a better equalisation of time between the Summer and the Spring Circuits, between the Summer and the Spring Circuits there was an interval of three or four months only, whilst between the Summer and the Winter Circuit the difference was eight or nine months. If the Summer Circuit were deferred until August or September, the division between the Circuits would not be so unequal. He was aware that by that arrangement the sporting season would be interfered with, as well as trips to France, or Germany, or Italy, but he was satisfied that the Bar would make the sacrifice of time which would be required of them.

Lord *Brougham* said, that the Judges, as well as the Bar, would readily make the sacrifice of their time for any improvement that might be brought forward. He thought that public advantages would be obtained by occasionally changing the venue in criminal cases, transferring them for trial to an adjoining county.

Motion agreed to.

Education of the Poor.] Lord *Wharncliffe*, in moving the second reading of the Education of the Poor Bill, said that there were at present a great number of schools with small endowments for the schoolmaster alone, but not available for building or other purposes; no grant in aid could be made by the Committee of Privy Council from the Parliamentary fund, except on certain conditions, and they found the greatest possible difficulty in obtaining those conditions from the trustees of endowed schools. This Bill was intended, therefore, to remedy the difficulty complained of.

Lord *Cottenham* thought the object of the Bill might be accomplished with less extensive powers than this Bill proposed to give, and the surplus powers might be abused. It would be difficult to modify existing trusts for the purposes of this Bill, without opening the door for further modifications, or even total alterations of the trusts. The third Clause, he observed, was intended to remove a doubt respecting the former Act: but for his part he saw no such doubt. He also thought that by this measure the principle of the Mortmain Act would be broken in upon.

Lord *Brougham* agreed with his noble and learned Friend that the Mortmain Act should not be broken in upon lightly; but at the same time there was no danger of fanaticism in school-building or education of the poor rising a very great height.

The *Lord Chancellor* notified that it was his intention, in the course of a short period to introduce a Bill for removing the misapplication of charitable funds for educational purposes.

Lord *Brougham* said, he was glad to hear this announcement by the noble and learned Lord. It was a measure that was very necessary.

Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Thursday, May 30, 1844.

Minutes.] New Members Sworn.—For Buckingham, the Right Hon. Sir Thomas Francis Fremantle, Bart.—For Chichester, Lord Arthur Lennox.

Bills. *Public.*—1°. Limitation of Actions (Ireland).

2°. New South Wales, etc. Government; Customs Duties (Isle of Man).

3°. and passed:—Stamp Duties; Assaults (Ireland).

Private.—Reported.—Birkenhead Docks; Lakenheath and Brandon Drainage; Delabole and Rock Railway (No. 2); Rodbard's Name; Preston and Wyre Docks, etc.; Swansea Improvement.

3°. and passed:—Swansea Harbour; Cwm Celyn and Blaina Iron Company; Salisbury Branch Railway.

PETITIONS PRESENTED. By several hon. Members (184 Petitions), against Dissenters Chapels Bill, and 5 in favour of same.—By several hon. Members (8), for Legalizing Presbyterian Marriages.—By Mr. Clive, from Worcester, and Hereford (5), Sir W. Heathcote, from Alton, and Sir R. H. Inglis, from Archdeaconry of Oxford, against Union of Sees of St. Asaph and Bangor.—By Mr. Wakley, from New Zealand, for a Tax on Absentee Proprietors.—By Mr. Gally Knight (86), from Notts, Mr. H. Baillie, from Inverness, and Lord E. Bruce, from Preshute, against Repeal of Corn Laws.—By Lord E. Bruce, from Wilts, against Duty on Hailstorm Insurances.—By Mr. E. Tennent, from H. Graves and Co., against Encouragement to Art Unions; and by Mr. T. Duncombe, from Mrs. Mary Parkes, for same.—By Mr. M. J. O'Connell, from Dublin, against Renewal of Bank of Ireland Charter.—By Viscount Clive, from Llandyssil, in favour of County Courts Bill.—By Mr. Wakley, from S. Gordon, for consideration of his case.—By Mr. Wakley, from Medical Practitioners (7), for Reform of Medical Profession.—By Mr. Barclay, from Sunderland, and Mr. W. Patten, from Fylde Unions, for Alteration of Poor Law.—By several hon. Members, from Savings' Banks at Bath, Inverness, and Newcastle, against Reducing Rate of Interest.—By Mr. Wakley, from Farringdon Within, for Redemption of Tolls on Metropolitan Bridges.

AMERICAN LOYALISTS. (MR. POWELL.)] Mr. *Jervis* rose to bring forward the Motion of which he had given notice,

"That this House will, on Tuesday next, resolve itself into a Committee to consider of the following Address to Her Majesty, that is to say, that an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to take into consideration the claim made by John Hopton Russell Chichester, Esq., of Lincoln's Inn, as sole executor of Robert William Powell, an uncompensated American Loyalist, deceased, and that Her Majesty will be graciously pleased to advance to such claimant the amount of the balance due to the estate of the said Robert William Powell, for losses incurred in consequence of his adherence to his allegiance, as ascertained by the Commissioners appointed for that purpose, and to assure Her Majesty that the House will make good the same."

The hon. Member said he had hoped that it would not be necessary for him to make any lengthened observations to the House, but as he understood, that those who were interested in matters of this kind thought that a sufficient case had not been made out to warrant an acquiescence in the Motion, he would proceed to satisfy the House that the gentleman whose claim he advocated, had a good case. The case involved no political question. The gentleman whom he represented was the grandson of a gentleman of the name of Powell, who, at the time of the disturbances in America, in 1764, was residing at Charleston, in South Carolina. He was a man of great property and influence, and entered into large speculations, having at one time embarked in his business about 40,000*l.* At that time it was of the utmost importance to secure the good feeling of those who were well inclined to British connection. In several of the speeches from the Throne the most solemn assurances were given to those who remained true to their allegiance of the protection of this country, and that they should be compensated for any loss which they might sustain in consequence of such allegiance. Mr. Powell was among the number who remained faithful. He raised a regiment of militia, and, as Colonel of it, rendered the greatest service to the Crown. It had been established, by clear evidence, that he had sustained a loss of 19,000*l.*, out of which, in 1823, the sum of 10,175*l.* only had been paid. A large amount of the sum apportioned out of the droits of the Admiralty for the payment of claims of this kind was expended in defraying the expenses of Royal journeys to Ireland and Scotland. The amount in this case was so small and insignificant that there could be no difficulty in making it up. He believed that if the case was looked into, it would appear that this claim was founded on every principle of justice. All the documents now in existence relative to this gentleman's zealous devotion, to his allegiance and powerful aid to the Royal cause, together with vouchers for the sums of money said to have been expended by him in furtherance of such objects, were ready to be produced, in order to substantiate his claim. Other documents which were of public notoriety and in possession of the Government, would prove that strong inducements had been held out by the British Government, at the time of the war with the colonists, to the loyalists there, to rally in the cause of the connexion, and advance money in aid of the King's cause, promising them protection to the utmost extent within His Majesty's power and security for all sums of money advanced for such praise-worthy objects. The hon. and learned Member proceeded to read extracts from a variety of public proclamations and speeches made by noble Members of the Government in that day, that it was fully resolved by the British Government, that al losses sustained by American loyalists should

be guaranteed and made good by the public. He read parts of a correspondence between the Governor of the Colony and the Government at home in support of the representations and claims of Col. Powell, from all which it appeared that the Colonel had devoted himself zealously and at considerable personal risk and positive loss to the Royal cause, more especially during the operations of His Majesty's forces in the State of South Carolina. The Minister of the Crown, both at and after the peace of Paris, through which the independence of the United States had been recognised by England, had fully recognised the principle of compensation in the amplest manner to all American Loyalists who had made sacrifices in the fearful struggle between the Colonies and the Mother Country, during the period of their attempt to assert their political independence. He contended, that unless the House assented to the Motion, it would be a party to a gross act of public injustice and ingratitude. What confidence could they ever expect would be reposed in the faith of any future government by men true to their allegiance, who might, perhaps, in the course of events, be placed in a similarly perplexing and dangerous situation in some other colony of Great Britain? He said, that he looked most minutely into the case, and from personal acquaintance with its merits, he was fully prepared to assert in his place, without fear of contradiction, that upon examination it would be found that the claims of the memorialist in this instance were founded upon principles of national honour and public justice. The hon. and learned Member concluded by submitting his Motion to the House.

Sir *G. Clerk* said, that whilst he found it to be his duty to oppose the Motion upon grounds peculiar to this case, he must be allowed to say, that no man in the Government, or in the country, more sincerely sympathised with the few remaining persons similarly situated to the present applicant. There was no class of British subjects that deserved better of their country than the American loyalists. Having stated this, he confessed he had been surprised to find that the hon. and learned Member should have particularly selected this case out of a great number of other cases resembling it in all respects. It was perfectly true, as the hon. and learned Gentleman had stated, that pursuant to the Treaty concluded between this country and the United States, as an independent state, that the rights of all liege subjects of his Britannic Majesty were reserved, and they were to be at liberty to recover any property to which they were entitled, together with all mortgages and debts due to them by American citizens in courts of the United States, and that no obstacle or impediment should be thrown in their way by that Government to prevent such recovery. This, though very just and proper stipulation, was found to be ineffectual; it turned out that in these cases the American citizens composing the juries, would not find a verdict for the plaintiff against an American citizen. In consequence of this state of things proving extremely unsatisfactory and inconvenient, Lord Grenville, in 1794, came to an understanding with the American President, that to adjust these claims there should be a Joint Commission appointed, consisting of two American and two British Commissioners, with power to appoint a fifth in cases where they could not arbitrate or come to a decision, whose determination was to be final. This plan also proved ineffectual, as there was a clause in the Convention that no decision should be held to be valid, unless there were then present one or more American Commissioners; and when a case was so far investigated that judgment or a decision might be expected to be pronounced, the American Commissioners withdrew, so that the Commission was rendered abortive. A jurisdiction so practically incompetent was soon after abolished, and another attempt to obtain justice to some extent for these claimants was made in 1802 by the late Lord Liverpool, and as the basis of the adjustment he put it to these claimants whether, instead of attempting in vain to obtain justice through the courts in America, or by a mixed Commission, they would accept a stated sum from the American Government. To this proposition, the claimants acceded, and in 1806 that Government paid over to England the sum of 600,000*l.* in full of all demands made by such British subjects upon American subjects, for losses during the war, or debts subsisting at the time of the peace. It was true, he must admit, that the sum of 600,000*l.* was very small and inadequate to the amount of the claims preferred; but accepted it was—and the result was, that a British Commission was appointed, which immediately proceeded to investigate and adjudicate upon the claims made on this fund. This sum

of 600,000*l.*, with interest accruing, some seven or eight years after amounted to 659,000*l.*, and was offered to the claimants as a liquidation of their claims, being about 10*s.* in the pound thereon. It was remarkable that the only stipulation made by the parties in answer to the proposition made by Lord Liverpool in 1802 was, that they hoped this country would recover from America 10*s.* in the pound on the amount of the debt claimed by them. The Commission made the award in 1811. In 1812 the American claimants presented a petition to the House of Commons, praying for further compensation. A Select Committee was appointed in that year, which was put in possession of all the facts and documents to which the hon. and learned Gentleman had referred; and when the Report of that Committee was brought under the deliberation of the House, in 1813, a Motion was made by the then hon. Member for Oxford (Mr. Lockhart), who moved for a Committee and proposed resolutions to the effect that the American claimants had made out an equitable claim for further compensation. That Motion the House negatived, because they considered that the parties had availed themselves of the alternative which had been offered them in 1802, whether they would resort to the course which they applied for power to pursue, or have a new Commission in America, and do the best they could with the American Government. They chose the latter course. In 1821, Mr. Courtenay, the present Earl of Devon, proposed a resolution somewhat like the present, but embodying the claims of fifty-five persons, instead, as in the present instance, of confining it to a particular case. This resolution was carried by a small majority, in a very thin House, in consequence of which the then Chancellor of the Exchequer offered as a compromise to pay a moiety of the balance claimed by these parties in full of all demands. The parties who made the claims acceded most readily to this, and requested Mr. Courtenay to do so on their part, as they would rather take only a portion of what they conceived themselves entitled to, than run the risk of proceeding in that House. The result was, that a sum of money to the amount required to pay the moiety of these demands was taken out of the droits of the Admiralty, but there had never been any intimation made, either in the House or out of it, that these claims should be paid in full out of the droits of the Admiralty. After the subject had been so fully discussed in 1813 and 1821, he did not think that it would be proper for the House again to open the subject. The hon. Member said that he only rested on the single case of Mr. Powell; but if the House had assented to the Motion, it would be bound to enter upon the cases of the other claimants who, as well as that gentleman, had received a certain sum as a payment in full of all demands. Under these circumstances, he would put it to the House whether it would not be most unwise again to open this question, which had been so long settled. It should also be recollected that the gentleman named in the Motion was not a claimant himself, but only a distant relative of that party, and he (Sir G. Clerk) did not think that he had the slightest case. On these grounds he should oppose the Motion.

Mr. *Villiers* had seen the receipt which had been given, and it did not state that the payment which had been made was a payment in full, and therefore he did not think it was unwise to renew the claim of this gentleman who was the grandson of the party aggrieved. This matter came forward as identified with the last of the claimants, whose claims had not been satisfied. The claim had been recognised by the House as a just one, a sum of money had been voted, leaving it open to the House to discuss the subject at a future time. This gentleman had renewed his claim regularly; he had had audiences of the Chancellors of the Exchequer, who had never told him there was no ground for his claim, but he had been told there were no means to satisfy those claims.

Mr. *Hume* thought this was a doubtful case. There should be an inquiry into the claims of the whole of these parties, because if the relatives of Mr. Powell were not satisfied, the relatives of others might not be. He would advise his hon. and learned Friend, under all the circumstances, not to press his Motion, for the House could not give an opinion on the matter.

Mr. *Jervis* replied: On the 25th June, 1821, Mr. Courtenay said he was glad to inform the House that there were funds at the disposal of the Crown, out of which provision would be made for the claims of the American loyalists.

Motion negatived.

CRIMINAL LAW.] Mr. *Fitzroy Kelly*, according to notice, rose to move for leave to bring in a Bill to allow of Appeal in Criminal Cases. Of the expediency, the justice of such an amendment in the law, he thought no unprejudiced person could entertain a doubt, and when he had stated the means by which he proposed to carry it into effect, simple, easy, inexpensive, and involving no danger to the rights of any member of the community, he trusted he should secure for his plan the sanction of the House and of the nation. It was a most remarkable thing, that in a country like this, so renowned for the excellence, purity, and efficacy of its judicial institutions generally—where, in every case of a civil nature, whether affecting lands, or houses, or merchandize, or character, or money, the administration of justice was the subject of universal admiration, the Criminal Law should be deficient in one great element of justice. In civil cases, if a party was dissatisfied with the verdict of a jury, or with the charge of a judge, he had an appeal from that verdict or that charge, and could carry his case from one court to another, until it reached the highest tribunal in the land. Yet, if a man were criminally indicted for an offence affecting his property, his liberty, nay, his life, and were found guilty, however strongly he himself, the bystanders, and the whole public might be convinced of his innocence, yet if the judge who tried him was satisfied with the decision of the jury, and saw no reason to disapprove of the charge which he had addressed to them, the verdict, however manifestly erroneous, the charge, however glaringly wrong in point of law, must stand, and the unhappy prisoner must abide his lamented fate. He may suffer in character or in property, he may be imprisoned, he may be transported, he may lose his life, and there is no remedy for him. In almost every civilised country throughout the world such a remedy was open to convicted persons, in criminal as well as in civil cases; in the one case as in the other, persons who considered themselves aggrieved by the verdict of a jury or the summing-up of a judge, had the power given them, by appeal, of seeking to have that erroneous verdict, that mistaken summing-up, rectified, and justice done to him, as against it. But here, however palpable the error of the judge or of the jury, however convincing the weight of evidence which circumstances might bring to light after the passing of sentence, however decided the opinion of all other lawyers against the legal accuracy of the judge's summing-up, yet if the judge himself remained satisfied with the verdict, and with his own charge, in criminal cases the convicted person, however innocent, had no chance of escape from his sentence. This great evil, this great reproach, he proposed to remedy, by a very simple measure, namely, by assimilating, as nearly as possible, the practice of the Criminal to that of the Civil Law, giving, as nearly as possible, the same remedy to persons in criminal cases against an erroneous verdict or a wrong charge, as the English law gave in civil cases. It was in the highest degree surprising, considering the constant efforts which had been made by the Legislature to improve the administration of the law in this country in all its other branches, that it had not applied some remedy to this gross defect in our Criminal Law. Indeed, he could not conceive that this omission would so long have continued a just reproach to us, had it not been that the Members of the Legislature were not of that class of persons which for the most part became liable to criminal prosecutions. Had their characters, their property, their liberty, their life, been, in proportion, so often in jeopardy under the operation of the Criminal Law, as the property, the persons, the character, the lives of the classes below them in society, assuredly this most unjust incongruity would long since have disappeared from our criminal jurisprudence. It was only within a very recent period that the improvement had been introduced of allowing counsel to prisoners charged with criminal offences: it was most just that this improvement should be followed up by that other most essential feature in the due administration of justice, the giving convicted persons a remedy against the errors of juries and of judges. When the fallibility of human judgment, when our proneness to error was taken into consideration, there was unhappily too much reason to fear, that of the sentences which deprived our fellow-creatures of their property, of their good names, of their liberty, of their life, a no slight proportion were sentences founded in error, and therefore resulting in fearful, in fatal injustice, were

sentences under which innocent persons suffered a most iniquitous punishment. He could mention, among very many instances in which, by this discreditable anomaly in our laws, irreparable injury had been done to innocent persons (and some such instances had happened within his own experience), instances where, after sentence had been passed, circumstances had been brought to light, and proved beyond a reasonable doubt, which rendered it clear as day to all unbiassed minds, that the person condemned was innocent of the offence imputed to him, yet where the erroneous impression of his guilt remaining firmly impressed on the mind of the judge who had tried him, the sentence has been abided by, and the innocent man has suffered death simply and solely for want of that appeal which he would have had against a decision which in a civil matter should have passed against him for 40*s*. He would just mention one case in illustration of what he had stated. About nine years ago a man named Chalker was indicted, along with another person, for the murder of the gamekeeper of Miss Lloyd, in a wood at Hentlesham Hall, near Ipswich. The trial came on before a learned and eminent Judge now no more. Evidence was adduced that Chalker was in the neighbourhood of the wood at the same time that the deceased was there; there was some evidence of his having been detected poaching; of there being blood on his clothes; of his having been seen near the spot where the murder was committed shortly before and shortly after the discovery of the body; in fact, there was a great deal of circumstantial evidence, more or less strong; and the learned Judge, who, from a very early period had taken a decided impression against the prisoner, from the evidence, summed-up, fairly and impartially, indeed, yet at the same time most ingeniously bringing together every part of the evidence which appeared in his own mind to convict the prisoner before the jury. The prisoner was condemned, and sentenced to death. His fellow prisoner, who was acquitted, solemnly declared that Chalker was as innocent as himself of the murder. It was the universal impression of the whole neighbourhood—the clear conviction of all who knew the man, that he was innocent. The learned counsel who had defended him was so persuaded of his innocence, that he devoted many days to the preparation of a memorial, in which he set forth all the strong evidence he had collected together, manifesting his client's innocence, and he submitted this memorial to the Judge, satisfied that at least it would induce him to order a respite, for the purpose of having further inquiries made; but the learned Judge's conviction of the man's guilt, and of the accuracy of the verdict and of his own charge, remained as strong as ever. He declared himself perfectly satisfied as to the guilt of the prisoner, and he consequently refused to interfere. He (Mr. Kelly) was not aware that there had been in that case any application to the Secretary of State for the Home Department; but if there had, the course adopted would have been to apply to the Judge, and when he supported by his decision the finding of the jury, it was not probable that any remission would take place. The result of the proceedings was, that the man against whom this conviction had been obtained was hanged, the Judge refusing to interfere, as he had satisfied his mind as to the guilt of the prisoner. It had, however, since appeared, that the man who really committed the murder for which that prisoner was hanged, had been present at the execution; but being afterwards unable to bear the load on his conscience which such a crime imposed, he confessed his guilt in India, where he had been sent as a soldier—he declared to his companions that he was the person who committed the murder, and that the man who suffered death for it was innocent. That was only one of the many cases which he might bring forward to show that innocent persons had frequently been capitally punished in consequence of having no power of appeal, and in fact, in consequence of there being no means whatsoever of remedy for a decision involving an innocent person. It might indeed be said to him that such cases as this must be always of rare occurrence, and that where there were real and substantial grounds for doubt as to the guilt of the prisoner, no judge would refuse an inquiry, and that the judge in such a case could reserve the point raised for the decision of the judges. To that he answered that it was not true in point of fact, for the subject had no right whatsoever to compel the judge to reserve a point, and he could state from his own experience, that the most learned and eminent judges might refuse to reserve a point, when it

might appear afterwards that the point was a good and valid one. He could state a case from his own knowledge in which that took place. Some years ago, a man was indicted in the county of Huntingdon for a capital offence, and convicted before a learned judge now no more. So soon as the evidence closed, he, who was counsel for the prisoner, submitted that although the man had committed a misdemeanour and was guilty of a grievous offence, yet he could not be convicted of the offence charged in the indictment for the capital felony. This he submitted before the finding of the jury, as well as after that finding, but the judge in each case peremptorily refused to reserve the point. He did not rest satisfied after having been twice refused, for he absolutely went five times to the judge in order to attempt to induce him to reserve the point. He waited on him in his own private room, and once went in the middle of the night, and so strongly represented the case, that the judge, who had on each occasion received him in the kindest manner, intimated that it would be unworthy of him to persevere longer in those attempts to induce him to reserve the point. The judge having thus so long peremptorily refused to reserve the point, the time arrived when the man was about to suffer the sentence of death, when he (Mr. Kelly) again waited on him, and besought him, and implored him, and indeed, insisted, that if the learned judge would not reserve the point himself, he could at least write to the Chief Justice of the King's Bench, and ask his opinion as to whether the point were good. That was the sixth application which he made to the learned judge, and on that occasion he at length succeeded, after more than an hour, in inducing him to write to Lord Tenterden and the Lord Chancellor, asking their opinion of the point, and to that inquiry he received a reply from those learned judges, recommending that the point be reserved; the time at which the answer, with this recommendation, arrived, being only eight hours before the man would have been executed, if it had not been for that inquiry. A respite was accordingly sent just eight hours before the time appointed for carrying the sentence into execution. The point having been thus reserved, was argued before eleven judges in the subsequent term, and they unanimously decided that the objection was valid, and that the judgment ought to be reversed; the learned judge before whom the case was tried having been one of the judges who came to that decision. That case was one of those which showed that, however merciful, or learned, and experienced a judge might be, it did not follow that he would always reserve a point which was submitted to him, even when it was a sound and valid objection. Now, he believed that nothing but the very strong course which he had adopted on that occasion would have induced the learned judge to write to the Chief Justice and the Lord Chancellor, and the result of the peremptory refusal to reserve the point would have been, that the sentence for the capital offence would have been carried into effect upon the prisoner. The course which he took, however, produced a contrary effect, and the man who was so near suffering the punishment of death, was now alive, a reformed man, and he believed a useful and honest member of society. Under the present system, no matter how clearly convinced of his innocence all the persons in Court might be, with the exception of the jury—no matter how unanimously of opinion the Bar might be that the law as laid down by the learned judge in directing the jury was laid down erroneously and through mistake of the judge —yet if the man were convicted, no remedy was provided—there was no appeal for the prisoner, the fiat of the judge was final, and the man might innocently suffer death or transportation, or any other punishment to which he was sentenced, without being allowed an opportunity of establishing his innocence. If he had adduced the case of an innocent man put to death, and of another man who had nearly suffered death, from this want of a power of appeal, and if he begged of the House to recollect that, supposing the decisions which affected those men's lives had been on matters in which a question of 40*s.* or 5*l.* was at issue, there would then be an appeal, was not that, he would ask, enough to induce them to apply some remedy to this state of things? Was that a state of things which ought to be allowed to continue in a country that was justly proud of her institutions? He had shown the evil that might arise from the refusal of the judge to reserve a point of law which was raised by the counsel for the prisoner. But the evil was not confined to cases where the judges refused to reserve the points urged for the prisoner; as even in cases where they agreed to reserve the point—where they were disposed to entertain doubts of the prisoner's guilt,

and to take a lenient view—even in such cases the remedy afforded to the prisoner was exceedingly unsatisfactory. Suppose a man were indicted for an offence and convicted, and a legal objection being taken to the conviction, the point was reserved for the opinion of the judges, and the sentence was respited until the decision on the point so reserved; yet the remedy which was given to the prisoner was not a matter of right, but merely a matter of indulgence. He would ask the House were the subjects of this Realm to hold their lives depending on circumstances like these, where the remedy against an erroneous conviction was not a matter of right but a matter of indulgence? Such a state of things ought not to be permitted for one moment to continue, merely because those who suffered from it were principally of the poorer classes of the community. If the judge refused the appeal, as the law stands at present, there is no power to compel him to grant it, and when granted the prisoner was not entitled to it by law, but was indebted for it to the mercy of the judge. It was very well known to members of the Bar, that under the system which now prevails, one Judge would peremptorily refuse to reserve the same objection which another judge would reserve, so that it would in many cases altogether depend on the judge before whom a prisoner was tried, whether, perhaps, an innocent man were to suffer death or not. He could not, for his part, conceive anything more objectionable than the mode in which the objection was allowed under the present system—it was a mode of dealing with the objections not as of a right, but of indulgence, and no man ought to be placed in a situation where his life was to be affected in that way. The mode of proceeding, even after the point was reserved, was highly objectionable: it was not decided upon by the judges in a court of law—it was reserved in point of form to Her Majesty, who referred to the judges, and they met, not in open court, to decide upon it, but in the Exchequer Chamber, or formerly in Serjeants'-inn; and, having decided on the point at their discretion, they assigned no reasons for their decision. It was argued by counsel, no doubt, but that was not done as a matter of right, for like the reservation of the point, it was only as a matter of indulgence. If a verdict were given against a man involving a sum of 5*l.* or 10*l.*, he might have a counsel, as a right, to argue in a case of appeal; but where a point was saved in a criminal case, where the question at issue involved the life of a human being, there was no right to be heard by counsel. The proceedings took place in a very objectionable manner: sometimes counsel did not appear for the Crown, and sometimes the prisoner was not able to employ counsel—it was argued before the Judges, as he had already remarked, not in public court but in the Exchequer chamber. The Judges decided civil cases in the open court, in the Queen's Bench or in the Common Pleas, and the Judges in civil cases gave their judgments seriatim, and the public were able to understand the grounds of the decision; but in these criminal cases no similar course was adopted. The Judges delivered their decision in a private room, and it was only in a private manner that the announcement was made as to whether they recommended a pardon or the carrying into execution the sentence. In civil cases the Judges assigned their reasons for the decision, but in criminal cases, where a point was reserved for decision, they never assigned their reasons for the decision to which they had come. The consequence of that was, that while the law as regarded civil matters was looked to with confidence, there was no such assistance from decisions in criminal matters, and it required the mighty grasp of a master mind to reduce the Criminal Law into anything like a code. There were no reasons assigned for any judgments of this kind in criminal matters, and thus all the advantages were lost which had been derived from the mode of delivering judgments in civil matters. He had already shown the evils that might frequently result from absence of a right to appeal in criminal matters, when the judge refused inquiry, thus letting all rest upon the decision of the judge; but there was another portion of the subject to which he would call the attention of the House. If, after conviction, matter was brought forward which induced the Secretary of State for the Home Department to believe that the person so convicted was innocent, and that, in consequence of that belief, he applied to the judge before whom the case was tried, it would be seen that the whole case would rest on the decision of the single judge; for if the judge expressed his approval of the conviction, the sentence was generally carried into effect, and it should be a very strong reason indeed which would have the effect of inducing the Secretary of State for the Home Department to interfere against the opinion of the Judge. There was still another objection, namely,

that when an inquiry took place the ground on which the objection was made was laid before the Secretary of State for the Home Department; the evidence was laid before him, but he had no means of ascertaining if the evidence on which he was called on to interfere was exaggerated or not. He could not satisfy himself thoroughly as to its correctness or incorrectness, and he was, obliged blindly to judge from such circumstances as the respectability of the person making the statement, and thus it was, that a question affecting the life or liberty of a fellow creature was dealt with. There was a fearful responsibility attached to the Secretary of State for the Home Department in such matters. In one case there might be brought before him evidence which he might conceive sufficient to justify him in recommending a pardon, whilst, in another case, the evidence might not be sufficient in his mind to justify such an interference with the conviction, and, therefore, he would let the law take its course. Thus it would be seen that the life of an individual would be placed in dependence upon the decision of the Secretary of State or the Judge, and he had shown that, however merciful a judge might be, or however desirous to do justice he might be, such a system was one that was calculated in some cases to permit the escape of the guilty, whilst it allowed the innocent to suffer punishment. He was desirous to provide a remedy for these evils to which he had directed the attention of the House, and it was in order to provide that remedy that he ventured to propose the Measure which he was now about to submit to the House. He had stated to the House the course which was allowed in civil cases of appealing against an erroneous finding of the jury, or against a mistaken direction of the judge to the jury. The plan he proposed was to render the practice in criminal cases as nearly similar to that in civil cases in this respect as was consistent with the character of each. He proposed that in any indictment before the Central Criminal Court, or at the Assizes, or Quarter Sessions, or before any court having authority in criminal cases such as he had referred to, where there was a verdict of guilty, the prisoner might have a power to move by his counsel in the superior courts at Westminster-hall, for a rule to show cause why the verdict should not be set aside, or a new trial granted, or a verdict of not guilty returned, or in case of the law having been erroneously laid down by the judge, that the judgment should be reversed. He saw no reason why, if the verdict of the jury were against the evidence, if there were cause to apprehend that the jury were mistaken in their verdict, and that there were grounds for grave doubts as to the guilt of the prisoner, or if it could be shown that the testimony of a witness for the prosecution was brought forward in such a manner as to come by surprise on the prisoner, and that he could prove that the testimony of such a witness was false—he saw no reason why in any of these cases, whereve the court was satisfied as to the justice of the application, that the motion should not be agreed to as at present, in civil cases, where the court is of opinion that the application is just and well-founded. He thought that there might be allowed in criminal cases the same power to the court, as nearly as possible, as that on which a new trial is now ordered in civil cases. He would propose also to give an appeal against the decision, if the judge admitted evidence in the trial that ought not to be admitted, or if he rejected evidence that ought to have been admitted, or if in summing-up the evidence, or during any other part of the case, he mistook as to a point of law. He proposed that in this case also the motion should be dealt with, as regarded the decision, exactly as in the civil cases at present, where the judges were satisfied that there ought to be a new trial, or the judgment reversed; and he should also propose, that in certain criminal cases, where the matter was of sufficient importance, there should be some power of appealing from one court to another, and even to the House of Lords, by means of a bill of exceptions or a writ of error, as the practice was now in civil cases. The exercise of such a power would, no doubt, be attended with great expense, and it might, perhaps, be rarely resorted to; but as there might be cases, the importance and magnitude of which would require some such course to be adopted, he thought it advisable to give in all criminal matters the same power of appeal in questions of law from one court to another as now existed in civil cases. Here it was, however, that the first practical objection to his measure presented itself. It might be asked whether, if he gave the power of appeal in all cases—whether, if he enabled persons to

make a motion to set aside a verdict, or to appeal against the judgment in capital cases, or in cases of great crimes, such a motion would not always be made, however groundless the objections. He thought if the matter were attentively and practically considered, no such evil would result from the adoption of his proposal. In carrying the measure into effect, he did not propose to give to the prisoner in all cases of conviction an absolute power of suspending the sentence that might be pronounced against him until he should have made his motion of appeal, and that appeal should have been disposed of. It would be absolutely necessary to leave it to the discretion of the judge to determine whether he would respite the sentence, or whether he would admit the prisoner to bail, or whether he would order him to remain in custody until the motion of appeal were decided. What he should, therefore, suggest, was, that in all cases in which a judge might have tried a prisoner who was found guilty, and who had given notice of an appeal, it should be in the power of the judge either to pronounce sentence accordingly, which sentence was to take effect on the determination of the appeal, if the conviction should be confirmed, or to postpone the sentence until the appeal should have been heard, or to pass sentence and to order its execution if he should think proper; because, were it otherwise, any one might, without the slightest ground, prevent a sentence from taking effect, by giving notice of an appeal, and in capital cases such a notice would, no doubt, be always given. He proposed, therefore, to leave it altogether discretionary in the judge, either at once to pass sentence and to order its execution, or to order that the prisoner should be kept in custody or admitted to bail until the motion of appeal should have been determined. That part of the measure would unquestionably be open to this objection—that it would be in the power of the judge, if he were perversely resolved on carrying the verdict into effect, to refuse to respite the sentence: and cases might occur in which after sentence had been pronounced and the penalty suffered, it would turn out on the motion of appeal that the judgment had been erroneous. But it was impossible to guard against mischief in all cases; and he thought that they might safely rely so far on the discretion of the judges as to conclude that where a declaration of an intention to appeal had been made, whether upon a matter of fact or upon a matter of law, unless the case were so clear that no human being could entertain a doubt about it, a respite would be allowed, in capital charges at least. He believed, that if the measure were passed, justice would always be done. Where a frivolous sttempt was made to delay the sentence of the law by the declaration of an intention to appeal, the judge would of course discountenance such an attempt; and, on the other hand, where any serious doubt might have been suggested upon a matter of law, or respecting the propriety of a verdict, he took it for granted, that on a notice of appeal being given, the judge would always postpone sentence. He was at a loss to know what reasonable objection could be made to the measure. That advantage of the rich over the poor was incidental to the nature of things, and could not be completely removed. If it were said that the appeal would give an advantage to the rich over the poor, that the rich were able to afford it in all cases which the poor could not, and that it was thus practically making one law for the rich and another for the poor. If that argument were urged, then he should say that it would equally apply to the appeal in the courts of law, which was now granted in civil proceedings. The poor man in civil cases must often suffer from the want of money to proceed with an appeal, or to resist the appeal of a rich man against a decision. The advantage of the rich man over the poor man was therefore rather incidental to the nature of things than to this measure, and he could not see that if it were carried into effect, it would in itself possess any advantage for the rich man over the poor man. If a notice of appeal were given, for instance, on the part of a rich man, the judge need not admit him to bail, so he could have no advantage in that respect; whilst a poor man might be let out on bail, or on his own recognizance by the judge pending the appeal. There was only one case in which he should desire to give a power to obtain a respite of sentence against the opinion of the judge—he alluded to indictments on capital charges. He would provide that, when a person was capitally indicted, and there was a verdict of guilty, if the judge refused to respite the sentence until the appeal of

which notice had been given should have been heard, that person should have the right to appear by his counsel before two judges and the Recorder of London, if the case had been tried at the Central Criminal Court, and before the Court of Assize if the case had been tried at the Assizes, and those judges should have the power of respiting the sentence, if they thought proper, until the appeal was determined. He had heard it objected to the measure that the judges would not have time to deal with all the appeals to which it would give rise. But he should say in the first place, that if the measure were just in itself, it was surely no answer to the demand of justice made to the Legislature on the part of the public to say, that it would require some additional judges, and consequently some addition to the expenditure of the country. But he did not believe that such a necessity would exist if the measure were carried. If an appeal were granted in every case, it would consume half the time of the Courts of Westminster-hall to hear them; but it might as well be said, that because there was a power of appeal granted in civil cases, that, therefore, every man against whom a decision was given would appeal. That did not take place in civil cases—the Courts were not inundated with appeals, and why, then, after that experience, did they suppose that appeals would be so numerous in criminal cases? Indeed the fact of not allowing judgment to be suspended by the mere declaration of an intention to appeal, would be a great check on the unnecessary increase of appeals. With regard to the objection on the ground of delay, it could not be sustained, for if the application to set aside the decision were frivolous, it would be refused by the Court, and in this case the only delay would be that of making the motion for a rule to show cause. He was satisfied, however, that to answer there was to be no redress of an evil, because the mode of redress might cause some little delay, was a course which would not be adopted here. It was an answer which no Member of that House would be inclined to give. He was fully convinced that the power of appeal was one which was calculated to afford redress where injustice was done, while frivolous appeals were sure to be discountenanced, and he looked upon the measure which he was about to propose as sure to remedy much of that injustice which he had described. Another advantage would follow from this measure, that House would no longer be made a tribunal of appeal in criminal cases. No Gentleman who had been a Member of that House for any length of time could be ignorant of the frequent discussions which had taken place on complaints made respecting the decisions of judges on matters of law. The various applications, for example, which were made to the House in the case of Frost after his conviction must be in the recollection of Gentlemen. And why was it, that persons who felt themselves aggrieved by the decisions of judges or juries appealed to that House or to the newspapers, and there canvassed the conduct of those functionaries? It was because they were denied justice by being refused an appeal. The law drove them to the worst tribunal that could be resorted to, and forced them to canvass in the public papers and in that House, the conduct of the judges. He had now stated the nature of the measure which he proposed to introduce. He had endeavoured to meet the objections that might be advanced against it, and had pointed out the advantages which he conceived would result from it. He believed it could be productive of no evil consequences whatever; it broke in upon no legal or constitutional principle—it invaded the rights of no one member of the community—it involved not the expenditure of a single shilling of the public money; and he believed it would tend to the advancement of the just and pure administration of the law. He, therefore, moved for leave to bring in a Bill to provide an Appeal in Criminal Cases.

Mr. *Godson* seconded the Motion, and observed that the principle was already in operation in favour of those who could afford to pay for it; for an indictment for misdemeanor could be removed from the sessions or the assizes to the Court of Queen's Bench, and tried on the civil side, the whole proceedings being conducted as in civil cases. Thus, in cases of misdemeanor, offences which persons of high station were more likely to commit than felonies, an appeal existed; and if in misdemeanor, why not in felony? In proportion as the punishment was heavy, so ought the means of ascertaining the truth to be ample; and if there was an appeal in cases of misdemeanor, it ought also to

be in charges of felony, and even in that which was the highest of all—murder. There would be other opportunities of considering the measure, and he should reserve till a future time any further observations which he might feel it his duty to offer respecting it.

Sir *J. Graham* said, that even if a person of less eminence than the hon. and learned Gentleman, who had introduced that Motion, had made the proposition which he had brought under their notice, and if that proposition had been made in a speech infinitely less able than the one to which they had just had the pleasure of listening, he should not have felt it consistent with his duty to resist the preliminary Motion for leave to introduce the Bill. The hon. and learned Gentleman, with the weight of his long experience, had said, that in his opinion the cause of truth, of justice, and even of mercy, required the existence of an appeal in criminal cases. Now, he had listened with great attention to the speech which had been made by the hon. and learned Gentleman, and he had been struck with an observation in that speech, which had raised a doubt in his mind with respect to the policy of the Motion. The hon. and learned Gentleman had observed with great truth that the administration of justice in this country had raised its character among the nations of the civilized world, and that in latter times the utmost attention had been bestowed to improve the administration of justice generally, and of criminal justice more especially; and the hon. and learned Gentleman had further remarked with truth that the anomaly—for an anomaly he admitted it was—the absence of appeal in criminal cases had existed for centuries, and that no law reformer had, down to the present time, proposed that an appeal should in such cases be given. Now, he did not say, that that fact was in itself decisive against the present Motion, but he thought it justified caution on the part of the House in at once coming to a conclusion so positive as that announced by the hon. and learned Gentleman. He believed that he was not in error in stating—and he was only mentioning those points in order to show the effect which the statement of the hon. and learned Gentleman had produced upon his mind—he believed that he was not in error in stating, that the defence of the proposal of the hon. and learned Gentleman mainly rested upon the analogy which he sought to establish between civil and criminal jurisdiction, with reference to appeals. He should say, however, that to an unlearned mind that analogy did not appear perfect. He could see, or he thought he could see, a very great difference between civil and criminal cases. Without waiving, for one instant, the question of justice, the matter really to be considered in that case as coincident with considerations of justice—the paramount consideration was, what course in these matters was most conducive to public good. Now, in civil cases, to the public it was a matter of comparative indifference whether between two litigant parties considerable delay should intervene before the adjustment of their suit. But that was not so in criminal cases. He conceived that it was of the last importance to the public that punishment should follow quickly upon crime. The object of punishment was example. Public example was the real, and the only legitimate object of punishment; but punishment lost half its efficacy if it were long delayed after the perpetration of crime, and he did say, that whereas delay was no object to the public in civil cases, they had the deepest interest in criminal cases, that no delay inconsistent with justice should take place. The hon. and learned Gentleman had stated, that he was satisfied that frequent errors were committed in criminal cases. Tribunals were no doubt fallible, and he was far from saying that in criminal cases errors did not occur. But his experience had led him to a conclusion opposed to that at which the hon. and learned Gentleman had arrived; and although justice in criminal cases did occasionally miscarry, yet he believed that the criminal law was in general fairly administered in this country—that crime rarely escaped and that innocence was very rarely punished. He believed, that upon the whole that was the more accurate statement of the fact. Neither should it be forgotten that the appeal sought by the hon. and learned Gentleman was not a single appeal, but was in the nature of a double appeal. He could well understand the strong arguments urged in favour of an appeal on matters of law. It was certainly true, as the hon. and learned Gentleman had stated, that those matters were decided by one fallible judge; and there might be other objections applicable to the decisions of a judge on points of law which were not applicable to the verdict of a jury. That verdict was the decision of

twelve impartial men upon a matter of fact, those men being sworn to do justice, and being guided, although not absolutely led, by the learning of the judge. They had thus the common-sense view of the matter, aided by judicial learning, experience, and acuteness. There were, therefore, as it appeared to him, many arguments applicable to an appeal against the dictum of a judge, which were not applicable to an appeal against the verdict of a jury. The hon. and learned Gentleman would excuse him if he also stated that some of his remedies were altogether inconsistent with the arguments he had used. And first, with respect to the appeal from the dictum of the judge. If he had rightly understood the hon. and learned Gentleman, it was his intention to leave it to the discretion of the judge to decide upon what cases the appeal should be allowed to have effect. Practically that was the case at present; for it rested with the judge whether he would reserve the point for the opinion of his brethren. The hon. and learned Member had said that when a point was reserved, no reasons were assigned when sentence was passed. In a great majority of cases, where a point was reserved, sentence was not passed until an opportunity had been given for the consideration of the point reserved by the twelve judges; and when sentence was pronounced after the opinion of the judges had been given, if that opinion should be adverse to the party accused, he (Sir J. Graham) was led to believe that in this case the judge, in passing sentence, invariably assigned a reason. He was unwilling to occupy the attention of the House at this stage of the Bill, the more especially as the attendance of Members was so thin. He regretted that so few should have attended at the discussion of a measure of so much importance, and felt ashamed to confess himself unprepared for its introduction. Moreover, he had unfortunately led his hon. and learned Friend the Attorney General to believe that the Motion would not come on that evening, by which means his hon. and learned Friend had lost a large portion of the hon. and learned Gentleman's observations. Supposing other obstacles overcome, one great practical difficulty remained which the hon. and learned Gentleman had not got rid of—namely, the appellate tribunal. He was perfectly ready to admit, that in a question where justice and truth were concerned, all considerations of expense ought to be entirely disregarded; but the fact could not be concealed, that they must have an appellate tribunal, composed of judges of the highest eminence, and the question presented itself, that without an addition to the present number of judges, it would not be possible to obtain an appellate tribunal. This being the case, the question was, whether it was expedient to add to the number of judges? For his own part, he confessed that he entertained a very strong opinion on this point, feeling convinced that nothing but the strongest necessity ought to induce the House to consent to any addition. He was satisfied that fifteen was as large a number —speaking with the highest respect of the learned profession to which they belonged —as the bar of Westminster Hall could supply; and the question of an appellate tribunal, therefore, involving a very large addition to the number of judges, must be approached by the Executive Government with the greatest possible caution. He had thought it necessary, in assenting to the introduction of this Bill, to guard himself and the Government to which he belonged with the greatest circumspection as to the course which it might be their duty to pursue on a future stage. He felt this to be a question of immense importance. The hon. and learned Gentleman had referred to a case which happened nine years ago, in which great doubts existed as to the justice of the conviction at the time when the verdict was found, but respecting which all doubts had been subsequently removed by the declaration of a soldier in a regiment in India, that he was the party guilty of the crime. He felt bound to state, that his experience in the administration of criminal justice had led him to the conclusion that a vague statement of that kind, made by a soldier in a distant country, earnestly desiring an opportunity, for some reason or other, to return speedily home, of a participation in a crime of this nature, did not afford anything like conclusive evidence that the party making the statement had really been guilty of the crime. Nothing was more frequent than those false assertions, and he could not think the statement of the hon. and learned Gentleman at all admissible as certain and conclusive evidence that the crime had been committed by the party confessing. He was not prepared to go further into this discussion on the present occasion. On the part of the Government he gave his willing assent to the introduction of the Bill, and he could not but express his satisfaction that a ques-

tion of such high importance should have been taken up by one so competent to deal with it. It would be his duty to consider the measure of the hon. and learned Member with the deepest attention, especially the practical provisions by which he proposed to carry into effect those principles which he deemed necessary for the proper administration of the criminal law.

Mr. *Kelly* explained, that he had not intended to make the power of Appeal dependent upon the consent of the presiding judge; but to empower the judge at his discretion to cause sentence to be recorded and executed. The effect of which would only be — except, of course, in cases of capital penalty — that the prisoner could be confined, or transported, before the Appeal, his right to prosecute which was absolute, had been brought to a conclusion.

Leave given.

POOR LAW — GILBERT UNIONS.] Sir *J. Graham* moved to nominate the Select Committee on Poor Relief (Gilbert's Act):— Mr. Barneby, Captain Pechell, Mr. Thomas Duncombe, Sir Robert Heron, Mr. Colvile, Sir William Heathcote, Mr. Becket Denison, Mr. Wrightson, Viscount Barrington, Mr. Manners Sutton, Mr. Strutt, Viscount Marsham, Mr. Labouchere, Mr. Wakley, and Mr. Protheroe.

Captain *Pechell* had not been aware that the right hon. Gentleman was going to nominate the Committee this evening, and he was sorry there were so few Gentlemen present who were interested in the subject. Great apprehensions were entertained in those parts of the country which were liable to be affected, that whatever might be the report of a Committee, even if it should be in favour of the retention of these incorporations, it was the intention of the right hon. Baronet to legislate for their abolition. He had understood the right hon. Baronet on Thursday to say, that he would not at that time pledge himself in one way or other; but from something that had since transpired, either in or out of the House, an unfavourable impression had gone abroad that these incorporations were to be abolished. He thought the parties concerned were justified in believing, that the Poor Law Commissioners were endeavouring to control the Government in the course they should pursue, and were endeavouring to cajole, bully, and tamper with Boards of Guardians in order to induce them to come to certain resolutions. The petition which had been presented from Derbyshire contained a serious accusation against the Poor Law Commissioners, who, it seemed, were endeavouring to persuade Boards of Guardians to dissolve their Unions, as they represented for their own benefit, and in order to give satisfaction to the rate-payers. If it went forth that the Government intended to listen to the representations of the Commissioners, notwithstanding any report of a Committee, it would be believed, that the Bill which they intended to bring in would be completely under the management of the Poor Law Commissioners. The insinuations thrown out against the Gilbert Unions were causing much dissatisfaction in the agricultural districts, where the people were satisfied and happy. The Commissioners were endeavouring to persuade the Boards of Guardians that their affairs would be better managed if they were placed under their control at Somerset-house, and they represented the labourers in the Poor Law Unions as returning whistling from their work, happy and contented. The right hon. Gentleman had before refused a Committee; but having now granted it, he hoped he would enable the advocates of the Gilbert Unions to bring up their evidence, and not throw impediments in their way, and would give them notice of the evidence he meant to produce against them. If that were the case, he did not so much care about the names on the Committee, because he knew the treatment of the poor in those incorporations would bear investigation.

Mr. *R. Yorke* said, that the right hon. Gentleman had declared on a former occasion, that whatever might be the determination of a Committee, it was his intention to follow out the principles of the Poor Law on a system of uniformity. Let the Poor Law Bill be made applicable to the necessities of the people, and he should have no objection to the Gilbert Unions being placed on a footing of uniformity; but after what the right hon. Baronet had formerly declared, it was too great a farce to be endured, that this Committee should be proposed.

Sir *J. Graham* said, that what he had stated on a former evening was, that it would not be respectful to the House to announce his intention before inquiry was made.

Sir *W. James* said, as the measure now

before the House connected with this subject was in many respects an improvement on the existing law, he should be glad of an assurance from the Home Secretary, that notwithstanding the lateness of the Session, and the appointment of this Committee, it was the intention of the Government, under all circumstances, to proceed with their Bill.

Sir *J. Graham* said there was not the least intention on the part of the Government of not proceeding with the Bill.

Committee appointed.

CANADA.] On the Motion that the Report of the Committee of Supply be now read,

Mr. *Roebuck* said, he was anxious to call the attention of the House to the condition of one of our most important North American Colonies, in which recent events threatened to be attended with serious consequences. He was desirous of calling attention to this subject by way of warning to the noble Lord, and he assured him that he referred to it in no spirit of hostility to the Administration, and influenced by no personal feeling. He hoped the House would allow him to state a few of the circumstances connected with the present state of the Colony, in order that at least his view of the case might be thoroughly understood. That House and the Parliament generally had thought fit, in spite of the warnings of many who had paid attention to the condition of the Colony, to pass a Bill for the re-union of Upper and Lower Canada into one Colony thinking that that measure would be best for the interests of Canada. The Government of this country was told then that this was not a question of race, but of principle; that the question was, whether the people of Canada should be subject to a government abroad or a government within their own lands. The Government were warned also that the rock upon which they would split was that of American democracy, and that the only chance they had of avoiding it, was to conciliate the good feelings of the Canadian people. The hon. and learned Gentleman here referred to the circumstances of the country at the time of the union of the two provinces, but in a scarcely audible tone. When that Act was passed, Mr. Poulett Thomson was sent out to administer the government of that province. He wished to speak of that noble Lord's condin this part of his public career without the slightest asperity. That noble Lord was not here to defend himself; he could not be here for he was no more in this life, and in these days, he did not always find, that public men after their death had many friends to stand forward and speak in their defence. The first important act of Lord Sydenham's government in Canada was to separate the country into districts for the purposes of elections. In doing this, he (Mr. Roebuck) did not hesitate to say that there was fraud from beginning to end of the proceedings. In many instances polling places were put up in spots which would be most difficult and inconvenient of access. In the case of the town of Montreal, a large portion of the town chiefly inhabited by French Canadians, was cut off under the denomination of the suburbs. In fact, throughout, the noble Lord had endeavoured so to fashion and mould the country, in regard to the number and character of the constituency, that he might secure such a representation as he desired. This was the charge which he made against Lord Sydenham. If there was any man a friend of the noble Lord in this House, he dared him to get up and deny what he had said. So gross was the attempt, so apparent the fraud in this transaction, that the House of Representatives, and that very party amongst the Representatives which was intended to be favoured by it, declared that it was a fraud. The hon. and learned Gentleman quoted a passage from the *Westminster Review* in confirmation of this statement and declared that the article in question was written by a gentleman with whom he was well acquainted, and for whose accuracy he was ready to pledge his own personal responsibility. But Lord Sydenham was not content with fraud; he also introduced intimidation and violence into the election proceedings of Canada. He held in his hand a record of all the acts of violence committed by the authority of the noble Lord, and by his agents, and especially by one man whom he imported into Canada with him from Ireland. By all these means the noble Lord succeeded in obtaining a majority of one in the House of Representatives. To show, however how contrary this was to the feelings of the country after an investigation had taken place, and these abuses were rectified, there was a large majority in favour of liberal principles. Upon the death of Lord

Sydenham, Sir C. Bagot was appointed his successor. But the majority against his Government was so manifest that he found he could not continue his government under the existing system and a remarkable change took place. Sir C. Bagot made a declaration of the principles upon which he would henceforth conduct his government. He referred to the resolution of the House of Assembly of the 3rd of September, 1841, a resolution in favour of responsible government, and declared that he would govern Canada upon the principles of that resolution. Acting in the spirit of that resolution, he selected from the body of the House of Assembly certain persons who seemed to possess the public confidence in the strongest degree, and of them constituted his executive council, determining at the same time that so far as the internal polity of the country was concerned he would be guided by their advice. In matters of metropolitan polity, of course, as heretofore, he would continue to receive his instructions from the Home Government. He thought the distinction a very clear one; he thought that in matters relating to the metropolitan or imperial relations of the Colony, the governors should be under the control of the Home Government; but that in matters of purely internal polity, the local council should have the controlling voice; and this, also, was the declaration and explanation of Sir C. Bagot. Accordingly, Sir C. Bagot appointed his council, consisting of men possessing the confidence of the people; and it was touching to see how this conciliatory act was received by the people. That people, who had been so long subject to the iron rule of previous governors—who had been hunted by soldiers, and tried by soldiers, and executed by soldiers, and whose wives and families had been insulted by soldiers—this people, who had thus cruelly suffered, seemed to forget at once all the evil which had been done them, and turned with a gushing outpouring of gratitude to their new governor, who had shown this goodwill towards them; and when that governor who had done so much for them, was oppressed with sickness, a heartfelt prayer was put up from one end of the country to the other for the alleviation of his sufferings. Upon the death of Sir C. Bagot, Sir C. Metcalfe was appointed his successor; and when he went out, he admitted that he was not quite prepared to handle a representative Government, and particularly in America. He did not take the same view of the matter as his predecessor had taken. Indeed, he acknowledged, to use his own words, that the Government established by Sir C. Bagot introduced a principle of "antagonism" which he foresaw could not long work smoothly. Sir C. Metcalfe, however, announced at the same time, that he intended to govern the Colony upon the principles of a responsible Government; but from that hour to this he had never explained what he meant by a "responsible Government." He would beg to refer to a passage in the *Life of Lord Sydenham*, by Mr. Murdock, a gentleman well known to the noble Lord. The hon. and learned Gentleman read an extract to the effect that the events which had occurred since the death of Lord Sydenham had afforded lamentable confirmation to the previous remarks; that it would be invidious to make any comparisons between his Government and that of his successors; but that there could be no doubt that embarrassments had accumulated to such a degree as to threaten a recurrence of the events of 1837 - 1839. Now, he wanted to know whether it was the opinion of the noble Lord opposite, that Sir C. Bagot took a wrong view with respect to the principles upon which the Government of Canada should be carried on? He was anxious that the noble Lord should explicitly declare, in the face of the House of Commons, what he really intended by that somewhat mystical form or phraseology, "a responsible Government." He was anxious to hear the noble Lord make that statement, in order that the people of Canada might know what they had to expect from the noble Lord, or any one appointed by him. He was anxious for it also on behalf of the emigrant, whose future interests were involved in the question. What was the case with respect to the emigrant? A river divided him from the United States, where everything was open to him, every office in the Government, every legitimate influence in the conduct of the affairs of the State. In Canada, on the contrary, under the tutelage of England, he could expect nothing in the shape of public honours or emoluments, but, at best, some wretched petty office of a subordinate character; he would have no sympathies with the Government which was put over him; he would have to

lead a sort of existence upon sufferance under the Colonial Office in Downing street. He entreated the noble Lord so to fashion the destinies of the emigrant to the Canadas, that he might not be forced, for the future, into invidious comparisons of this sort. On the contrary, the noble Lord ought to lend his assistance to lead on the Canadian people, step by step, to that result which one day must inevitably occur—complete self-government—in order that when the separation from the mother country took place it might be of a friendly, and not of a hostile nature. Sir C. Metcalfe, he contended, acted in violation of the principle adopted by Sir C. Bagot, and particularly in the appointment of persons to local offices without any consultation with the Executive Council. One of these appointments so made, was that of the Speaker of the Upper House of Representatives. This appointment was offered without any advice with the Council, and the people heard for the first time in the streets of Kingston that the offer of this high office had been made to one of their bitterest opponents. He should like to know what the right hon. Baronet at the head of the Government would say if he were to hear that the office of Speaker of the House of Lords had been offered to Lord Cottenham. The two cases were exactly analogous. It was fair, therefore, to draw the analogy. This was an internal piece of policy, and was bringing the question in dispute to an issue. They went not to vague generalities, but taking a specific case, they said, "Such is the polity you have pursued in this case, do you intend to continue it?" And the answer of Sir C. Metcalfe was most distinctly, that he did, declaring, to use his own phrase, "that he would not violate his duty by surrendering the prerogatives of the Crown." The Executive Council then said, in that case we can no longer act as your Ministry, and they tendered their resignations, which Sir C. Metcalfe accepted, and from that day to this the Colony had been without an Administration. There was a Governor General and nothing else. There was, it was true, the President of the Council (Mr. Daly) a gentleman for whom he (Mr. Roebuck) had personally the highest respect, who acted with the Governor, but had not actually accepted office, in order to avoid the necessity of being re-elected; but the Attorney General, the Solicitor General, and all the important Members of the Executive had retired, and the present Ministry consisted of Mr. Daly and Mr. Draper. There was no longer a Receiver General; the duties of that office being now performed by the clerk of the late Receiver General, M. Turquand, who acted as Receiver General for the Colony though he had given no security whatever. Up to the present hour the Governor General had altogether failed in forming an Administration. At the end of this year the present Parliament of Canada would cease to exist, and another Parliament would have to be elected, in which there could be no doubt that the majority against the Government would be increased; then they would have the consummation which had been prophesied. The course which the Government had pursued had had the effect of uniting the democratic party of Upper Canada with the Liberals of Lower Canada, and the force of circumstances had produced a party united against the Government in Parliament, so powerful that they could not overcome it, and they had, therefore, no hope but in one of two things—either to yield to the will of the people, or to govern by the bayonet. There was no other alternative left. He would ask the noble Lord—at present Sir C. Metcalfe was the sole Govenor of Canada—was that the sort of Government the noble Lord contemplated when he spoke of a responsible government? He would ask the noble Lord whether his understanding of a responsible government, meant a government like that now existing in Canada—a government carried on by a Governor General without any responsible advisers; or whether his idea of a responsible government, was a government chosen out of those persons who enjoyed the confidence of the people expressed in the Representatives they return to the Legislature, as was understood and expressed by Sir C. Bagot? There could be no medium here. Either the noble Lord must mean Canada to continue to be governed by Sir C. Metcalfe, irresponsible to all but the Government at home, or by a government responsible to the people of Canada, such as he (Mr. Roebuck) spoke of. If the former, the most direful results would follow. As he had stated, since the resignation of the Executive Council in November, 1843, to the present hour, Sir C. Metcalfe had not been able to select more

than the three gentlemen he had named to act in responsible situations of Government, and he had not been able to call the Parliament together, knowing well what would be the consequence if the Parliament met. Sir C. Metcalfe, however, must meet the Parliament at one time or other, and when he did, that consequence would follow; there was no hope of escape. Now, with regard to the election at Montreal, he had been told that that election had been carried by violence. He denied it; and although the Irish agitators, enlisted, as it were, and paid and organised by Lord Sydenham, had set an example that might unhappily have been followed, he denied, and he defied any one to prove, that anything more of riot or confusion had taken place at the election at Montreal than occurred at every election in Covent-garden. Out of the whole number of polling-booths, in one only had anything like a scuffle occurred. And the result of the election at Montreal, where, if there was an English party in Canada, it existed, the result of the election was against the Government —the English party being as much Canadians as the French party itself. There were also other grounds of complaint; and seeing the right hon. Member for Coventry (Mr. Ellice) in his place, he might refer to the interference with the colonial interests by Private Bills passed in this country. The Session before the last (he believed) an Act of Parliament had been passed, giving powers to a company of adventurers to form a bank of issue in Lower Canada [an expression of dissent from Lord Stanley, we believed]. It was during the Sydenham Administration, and while that noble Lord was arranging matters with the legislative body there, that the British House of Commons passed a British North American Bank Bill, which bank was made a bank of issue for Canada. The result was, that the Parliament of Canada refused to listen to Lord Sydenham's proposals, and passed a resolution that it was the bounden duty of the House to protest against the Charter, on behalf of the people of Canada, as being an interference with the affairs of the Colony, opposed to the instructions contained in the recent despatches of Lord J. Russell. He (Mr. Roebuck) had said, that this banking company had been constituted by Act of Parliament, but he found it was by Charter from the Crown, and that circumstance rendered the proceeding still more objectionable. Then there was the North American Colonization Company, which, under an Act of the Imperial Parliament, was invested with powers, which had been increased by a subsequent Act, to acquire lands in Canada. He contended that no Private Bill should be passed affecting the interests of a colony, unless due notice be given to the Colony of the intention to pass it. The cases he had quoted were instances in which great powers had been given to particular bodies to interfere with the internal affairs of the Colony without first consulting the Colonial Legislature, and thus depriving the Colonial Legislature of its constitutional functions. With regard to the Colonization Bill, it might be matter of surprise that, taking, as he believed he did, his fair share of the business of the House, and being pretty regular in his attendance, it should have passed without his knowledge; but he had been since informed that great pains were taken to exclude the progress of that measure from his cognizance, and that it was passed during his absence from London. But what he wished to put to the House and the noble Lord was, whether it were just that the interests of an important Colony like Canada, having a Legislature of its own should be affected by any Private Bill passed in the British House of Commons? He would call upon the House and the Government to remember what had been the results of a similar system of interference with the internal polity of other Colonies. The attempt to tax the colonists, and to impose on them a permanent civil list, without their consent, had occasioned us the loss of the United States. The discontent in Canada was the result of the same system of interference. Treat the Canadas fairly, and they would remain the firm friends of the mother country and of British connection; but continue the system which they were now pursuing, and they would become the firm supporters of democratic institutions, and the chances of their union with the United States would be increased.

Lord *Stanley* had expected that the statement of the hon. and learned Member would have been followed by a Motion on which the sense of the House might have been expressed. The importance of the question and the principle involved in it, as bearing upon the future possible

relations between this country and Canada, could not be over-estimated. ith the tone the hon. and learned Member had assumed, or with the frankness of his statements, he personally had no right to quarrel. But his objection to the principle laid down by the hon. and learned Gentleman, and upon which he said, that to avoid American democracy in Canada we must interpose the principle of self-government —his objection to the distinction the hon. and learned Gentleman had drawn between the Government at home and that abroad in our Colonies was this—that however true and unanswerable his principles were, as applied to an independent Republic, if pushed to the extent to which the hon. and learned Member would carry them, they were inconsistent with the existence of monarchical institutions; and in the next place, with the relations which should exist between a colony and the mother country. If he admitted the full extent of the principle on which the hon. and learned Gentleman had laid so much stress—of the right of the colony to govern their own local affairs—he should yet be prepared, on the part of the Government, to express their unhesitating and cordial approbation of the course which Sir C. Metcalfe had pursued, and their unqualified approval of his conduct in the two matters which had been made grounds of accusation against him by the Members of the Executive Council, and which had been brought forward on their behalf by the hon. and learned Gentleman. Now, what were those two points of accusation? They were not left to conjecture on the subject, for the Governor General and the Executive Council had both stated them distinctly as the grounds upon which the Members of that Council resigned their offices, and on which their resignation was accepted by Sir Charles Metcalfe. The Governor General had stated publicly, and it had not been contradicted—it had been stated by one of those who still adhered to his Government, and in the presence of the Executive Council who had left him—that the Executive Council demanded from the Governor General that he would agree, under his hand and seal, to make no appointment, and no offer of an appointment whatever, without previously taking the advice of the Council; that the list of candidates should always be laid before them, and that they should have the power to recommend any other persons, at their discretion, and that the Governor General should not make any appointment which they might consider prejudicial to their views; in other words, that the whole patronage of the Crown in the colony should be surrendered to the Executive Council for the purposes of Parliamentary support. It was not merely that the Council said to the Governor General, you must act with us—you must consult with us—with regard to all the great measures of Government; but it was this—you must bind yourself under your hand and seal, that under all circumstances, and on all occasions, no appointment to any Government Office shall be made without our consent—the patronage of the Crown in every direction and in every department shall be, by an instrument under your hand and seal, submitted to the Executive Council. Sir C. Metcalfe at once rejected that proposal; and he (Lord Stanley) thought he was right in rejecting it. The hon. and learned Gentleman had sought to draw an analogy between the position of the Governor General in Canada and that of the Sovereign in this country. He (Lord Stanley) denied the analogy. But even admit, for the sake of argument, that the analogy existed, and he still contended that the demand which the Executive Council had made of the Governor General was one which no Minister would allow. But he denied the analogy. The constitution of Canada might be formed upon the model of the Constitution here; but still they could not give to it the life of the British Constitution. Observe what was the nature of the British Constitution—what were the functions of the Sovereign. The basis of the British Constitution was, that the Sovereign was personally irresponsible for every act of the Government—that the responsibility rested with the confidential advisers of the Sovereign, who were responsible to Parliament and the people for the advice they gave, and he admitted and allowed that no Minister could hold permanently the reins of power in this country who did not, in addition to the confidence of the Sovereign, possess the confidence of the popular branch of the Legislature. But because the Crown was not responsible for the acts of Government, the Crown particularly exercised no political power; and it was obvious that the exercise of political power without re-

sponsibility would not be more dangerous to the liberty of the country than the exercise of responsibility without power would be an absurdity and a contradiction. He said, therefore, that no Minister in this country would make or allow such a proposition as had been made by the Executive Council of Canada to Sir C. Metcalfe. The theory was well understood, and the practice followed. The Sovereign, in deference to the opinion of the constitutional advisers of the Crown, made the appointment on the recommendation of the Minister; and every Minister, in making a recommendation to the Crown, so far as higher and more important considerations would permit, paid and was bound to pay deference to the personal convenience, wishes, and feelings of the Sovereign; and, on the other hand, although the Sovereign had the power to reject the appointment recommended by the Minister, it was usual to sacrifice all personal considerations to the public advantage. But the case of a colony was totally different from that of this country. Here the people respected the dignity of the Crown from its hereditary nature, and were influenced by a loyalty and attachment to the person of the Sovereign and the Monarchy that was almost inherent. Then there was the House of Lords, the hereditary Peerage of the country, exercising no unimportant power, and possessing an influence over public opinion by that hereditary rank, high station, territorial possessions and wealth, and hereditary title, which gave to the Peers importance in their several localities, individually and collectively with the country in general. Compare this with the position of Canada; there they had the representative form of constitution, chosen by the people; but where was the parallel to the House of Lords? There was the Legislative Council, but it possessed none of the advantages of the Peerage of this country; its Members were not elevated much by rank, station, or property, above their fellow-citizens, and possessed no great influence; they were nominated by the Crown, and held office for life. Then the Governor General had none of the dignity of the Sovereign about his position, having an income not more than that of a country gentleman—a stranger to the colony—having probably no personal interest or influence in it until his appointment, and previous to his arrival no connection with it. Place that Governor and the Legislature so constituted in the position of a Minister being himself responsible, and compelled to act in every respect with Parliament, stripped of all real power and authority, liable to act under the control of the leading politicians and parties of the day, and what would they institute in Canada? That which, but for the influence of the Crown and the Peerage, and the necessity of the Prime Minister of this country possessing the confidence of the House of Commons, would be the result here, a republican government—a Governor placed in a state of absolute dependence on the Crown. He said to the hon. and learned Gentleman that he proposed a course which, by no gradual steps, but certainly and at once would place the whole authority in the hands of the dominant party for the time, and convert Canada into a republic, independent of the Crown of this country. It was inconsistent with monarchical Government that the Governor who was responsible, should be stripped of all authority and all power, and be reduced to that degree of political power which was vested in the constitutional Sovereign of the country. Not only would such a course be inconsistent with monarchical Government, but also with the colonial dependence. The hon. and learned Gentleman might desire to see the Colony divested of that dependence; but if that was the object, let him say so. ["No."] But the argument the hon. and learned Gentleman laid down would lead to that conclusion. The system which the hon. and learned Gentleman proposed was inconsistent with that which at all times had been held forth by all British and Colonial authorities as responsible Government. The sketch of the hon. and learned Gentleman of Canadian affairs went from the period of Lord Durham's Report to the present time, and he stated that that Report was remarkable only for confirming that which had been demanded by the legislations of both provinces for twenty years. Lord Durham, said the hon. and learned Member, confirmed the doctrine of responsible Government. Now he had looked into the recommendations of Lord Durham as to the principle of responsible Government, and although that noble Lord did enunciate certain views, he did not appear to him to have seriously considered the mode in which they were to be carried out,

or the practical results to which these principles would give rise if carried to their full extent. But he did not find Lord Durham laying down, even as a principle, the doctrine which the hon. and learned Gentleman would wish to see carried out of responsibility to the people of Canada. The noble Lord proceeded to quote the Report of Lord Durham, to the effect that responsibility to the United Legislature of all the Officers of the Government, except the Governor and the Secretary, should be secured by every means known to the Constitution. The Governor, as representative of the Crown, should carry on the Government by means of heads of departments, on whom the United Legislature shall repose confidence, and who must not look for support from home except in points of imperial interest. The noble Lord continued: Here Lord Durham laid down the doctrine that internal administration should be administered by heads of departments—each of them being in the Legislature answerable for his own department, prepared to defend it, and if not supported by the Legislature, prepared to resign. To that principle, from the time when Lord Sydenham went to Canada until now, when Sir Charles Metcalfe had declared his adherence to responsible Government, he had not heard any objection. But that there might be no doubt as to what was the understanding of the Government of this country upon the point, at a later period than when Lord Durham drew up his Report, when Lord Sydenham was sent out to carry into practice Lord Durham's principles, the noble Lord, the Member for London, officially stated to Lord Sydenham, on the part of the Government, what were the views taken by it of the system under which the affairs of Canada were to be administered. The despatch was as follows:—

"It appears from Sir George Arthur's despatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called 'responsible Government.' I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses on this subject. I cannot better commence this despatch than by a reference to the Resolutions of both Houses of Parliament, of the 28th April and 9th May, in the year 1837. The Assembly of Lower Canada having repeatedly pressed the point, Her Majesty's confidential advisers at that period thought it necessary not only to explain their views in the communications of the Secretary of State, but expressly called for the opinion of Parliament on the subject. The Crown and the two Houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject. It does not appear, indeed, that any very definite meaning is generally agreed upon by those who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and if at all encouraged, would prove the cause of embarrassment and danger. The Constitution of England, after long struggles and alternate success, has settled into a form of Government, in which the prerogative of the Crown is undisputed, but it is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned, the authority itself remains untouched. This is the practical solution of a great problem, the result of a contest which from 1640 to 1690 shook the monarchy, and disturbed the peace of the country. But if we seek to apply such a practice to a Colony, we shall at once find ourselves at fault. The power for which a Minister is responsible in England, is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the Executive Councillor of a Colony is in a situation totally different. The Governor, under whom he serves, receives his orders from the Crown of England. But can the Colonial Council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers, for the same functions, and with superior authority. It may happen, therefore, that the Governor receives at one and the same time instructions from the Queen, and advice from his Executive Council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his council, he is no longer a subordinate officer, but an independent sovereign."

These were the opinions upon the point of the noble Lord opposite. But the hon. and learned Gentleman stated that he admitted that there were many questions in which the Imperial Legislature must interfere, in which the Colonial-office must interfere, in which the Minister of the Crown must be put above the Local Legislature, and in which the Local Legislature must succumb; but that, said the hon. and learned Gentleman, was only in cases which affected the metropolitan as well as the local interests; but in cases of internal legislation, the power of the Council should be supreme over the Government. Now,

would the hon. and learned Gentleman tell him who was to draw the line of distinction, or how that line was to be drawn between objects of local and metropolitan interest? The noble Lord, the Member for London, answered the question :—

"It is now said that internal government is alone intended. But there are some cases of internal government, in which the honour of the Crown, or the faith of Parliament, or the safety of the State, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a Minister in a Colony. I will put for illustration some of the cases which have occurred in that very province where the petition for a responsible Executive first arose—I mean Lower Canada. During the time when a large majority of the Assembly of Lower Canada followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any Minister to support, in the Parliament of the United Kingdom, the measures which a Ministry headed by M. Papineau, would have imposed upon the Governor of Lower Canada: British officers punished for doing their duty; British emigrants defrauded of their property; British merchants discouraged in their lawful pursuits, would have loudly appealed to Parliament against the Canadian Ministry, and would have demanded protection."

He made no apology for quoting from this despatch, because it laid down broadly principles in which he concurred. The noble Lord went on to say,—

"The principle once sanctioned, no one can say how soon its application might be dangerous, or even dishonourable, while all will agree that to recall the power thus conceded would be impossible. While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of Colonial Government recommended by Lord Durham, as I understand them. The Queen's Government have no desire to thwart the Representative Assemblies of British North America in their meaures of reform and improvement. They have no wish to make those provinces the resource for patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the Colonies, advantages similar to those which talent and character, employed in the public service, obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among Her North American subjects which opinion condemns. In receiving the Queen's commands, therefore, to protest against any declaration at variance with the honour of the Crown and the unity of the empire, I am at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America, as the best security for permanent dominion."

The noble Lord subsequently observed,

"While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power, is only enabled to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The Sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse, to carry all its resolutions into immediate effect, would produce confusion in the country in less than a twelvemonth. So in a colony: the Governor thwarting every legitimate proposition of the Assembly; and the Assembly continually recurring to its power of refusing supplies, can but disturb all political relations, embarrass trade, and retard the prosperity of the people. Each must exercise a wise moderation. The Governor must only oppose the wishes of the Assembly where the honour of the Crown or the interests of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain."

He much lamented that in the exercise of his discretion Mr. Poulett Thomson had not thought it necessary to lay before the Legislature of Canada this clear and explicit despatch. Had he done so, and had he also communicated to the Colonial Legislature that despatch, dated two days afterward, in which the noble Lord laid down clear regulations for the tenure of political office, and in which he stated that the tenure of office was to be dependent upon those holding it maintaining the confidence of the Assembly — he thought that much misrepresentation and misconception might have been prevented. But the hon. and learned Gentleman asked him whether he concurred in the views which were taken by Sir Charles Metcalfe on the subject of responsible government, and the hon. and learned Gentleman begged him to state especially to the House, the principle of responsible government as he understood it. He

would endeavour to do so; he understood by responsible government that the Administration of Canada was to be carried on by heads of departments enjoying the confidence of the people of Canada—enjoying the confidence of the Legislature of Canada for the due exercise of the functions of their departments; and more, that the Governor in preparing and introducing with their sanction, legislative measures to the Colonial Parliament, was to be guided by the advice of those whom he had called to his councils; that he was to introduce measures upon their advice, and upon the advice and information of the local authorities throughout the kingdom, taking the responsibility of conducting them through the Colonial Legislature. But if the hon. and learned Gentleman asked this, whether he meant by responsible government that the Governor was to be a mere machine—a passive instrument in the hands of the Executive Council, or of any other different body—he replied that he did not so understand it. He quite well understood to what that led; but he did not understand that it was a constitutional method of governing a British Colony. He therefore approved of the discretion exercised by Sir C. Metcalfe in refusing his consent to a proposition which bound him in every respect to the will and pleasure of the Executive Council. But Sir C. Metcalfe had signified his adherence to that principle which the hon. and learned Gentleman desired to see established as the basis of Canadian Administration. The Resolution of the 3rd of September, 1841, bore upon the face of it that the head of the Executive Government, being the representative of the Sovereign, was responsible to the Imperial authority alone, but that the internal management of local affairs could only be conducted by and with the assistance of the Council and the subordinate officers of the province. He did not now enter into the question of whether responsible government were or were not likely to be conducive to the prosperity and welfare of Canada—whether it were most likely to enlist in the ranks of a Government the greatest number of men of talent, honour, integrity, and station. The principle had been fully recognised on the part of Government, both here and in Canada; and it was upon the principle of that recognition that Sir C. Metcalfe had avowed his determination to conduct the Government of that Colony. But what did this Resolution state? That the Governnor General was responsible to the Imperial authority alone. Responsible! For what? The doctrine of the hon. and learned Gentleman would leave him no responsibility, for it would leave him neither power, authority, nor discretion—a mere instrument in the hands of the Executive Council, nominated by the dominant party in the province—and yet, forsooth, that Governor General, who was to be at the feet of the Executive Council—itself the organ of the dominant power of the day—that Governor General was to be solely responsible to the Imperial authority. Why this was a practical absurdity. Taking the principle as he interpreted it, it was to be exercised with mutual forbearance and good sense, neither party straining their powers, but making concessions to the wishes of the other. Interpreting the principle in this way, it was possible—nay, it was not difficult—successfully to administer the affairs of Canada by its application. But taking it as urged by the hon. and learned Gentleman, it was a mere absurdity. Without power there could be no responsibility. Yet the hon. Gentleman proposed to take away all power from the Governor, and then mock the Government at home by calling him responsible to it. For what was he to be responsible? Not for the exercise of patronage, which the Executive Council would deny him; not for the exercise of the prerogative of the Crown, in withholding the assent of the Crown from the measures which he considered dangerous. Well, for what was he to be responsible, if it were not on these two heads—for the proper distribution of the rewards and honours in the power of the Crown to bestow, and for the exercise of that prerogative of the Crown which consisted in interposing the authority of the Crown with respect to certain acts of the Legislature. Both of these powers the Council withheld from the Governor General, and not only withheld, but they claimed that as to one of them he should declare by an instrument under his own hands that he for one surrendered it—that that demand was made, he presumed that the hon. and learned Gentleman would not deny. [Mr. *Roebuck*: There was no proof of it at all.] Yes, but there was; the Governor General had

made the statement in the House of Assembly, and in the presence of the Executive Council; and it had never been contradicted from that day to this. This statement was made under very remarkable circumstances, too. The Executive Council had furnished to the Governor a statement in writing, of the grounds which they intended to state in the Legislative Assembly, as having acted upon, and the Governor was obliged to enter a protest against its accuracy, and the statement which he had made through his representation in the Assembly, in the presence of the Executive Council, was not repudiated by any of them. At the time of this discussion, and when the demand in question was made, the Governor wrote to inform him of what had taken place, and that he had subsequently four or five hours' conversation with the Executive Council the following day. He wrote back, that approving of the course which he had taken in accepting the resignation of the Executive Council, he regretted that he had not required that the demand when made had not been reduced to writing and laid before the House. And for this reason, that he thought the effect of his subsequent conversation with the Council would have led some of the Members to change the issue of the question, and to put forth statements, as to the causes of their resignations, varying from the fact on which their resignations had been formerly tendered and received. He had stated that he thought this would be the case, and within two days after the despatch had been sent out, he had from the Governor General an account that his anticipation was correct—that the Executive Council had circulated incorrect statements of what had passed, and that he had been compelled publicly to contradict them. The hon. and learned Gentleman talked of the Governor General not having exercised patronage in accordance with the wishes of the Executive Government. In May last he had seen reason to anticipate the nature of the demands which would be made on him, and he wrote as follows:—

"I am required to give myself up entirely to the Council; to submit absolutely to their discretion; to have no judgment of my own: to bestow the patronage of the Government exclusively on their partisans; to proscribe their opponents, and to make some public and unequivocal declaration of my adhesion to these conditions, involving the complete nullification of Her Majesty's Government."

The Governor General wrote again on the 26th of December last year, in the following strain:—

"The facts of the case are, that I scarcely ever heard of a vacancy, except by a nomination from them for a succession; that I rarely made an appointment otherwise than on their recommendation; and that I do not recollect a single instance in which I made an appointment without being previously made acquainted with their sentiments regarding it. I certainly did not consider myself absolutely bound to consult them regarding every appointment, nor to surrender my judgment to their party views; and when a demand was made that I should surrender Her Majesty's Government, I decidedly refused. But, practically, they had more than they could desire, and not only had the means of expressing their opinion on every appointment about to be made, but had actually most appointments given away on their recommendation. Were I endeavouring to account to your Lordship for my exercise of patronage, I should be much more fearful of being found guilty of too much consideration for the Council, than of too rigid a maintenance of the prerogative of the Crown."

Now, as to Canadian patronage, let not the House run away with the idea that it was a question in which the Colonial Government or the Government at home were interested. Long since, the whole of the patronage of the Crown in North America had been placed in the hands of the Governor; and for himself he could say that he had not had the distribution of 50*l.* worth of patronage in North America since he had held the reins of office. All the appointments had been made, on recommendations of the Governor General, from residents in the Colonies; and he declared that since he held office he had never, by instruction, recommendation, hint, or suggestion, interfered, directly or indirectly, with any appointment which had or had not been made in Canada. Do not let the hon. and learned Gentleman tell him that the distribution of patronage, in a country like Canada, is of such little importance that it might be safely, or could be wisely entrusted to the absolute discretion of the dominant political party of the day. He doubted whether it was for the advantage of any small community—he was sure it was not for the advantage of a colony—that political patronage should be dispensed as a reward for political subserviency. Let him illus-

trate the principle. Take a judicial office; in all small communities, and in colonies, the leading men were very frequently gentlemen of the legal profession. They were generally found near the seat of Government; they were often men of superior education, and of some leisure—men, too, whose attendance upon Government did not materially interfere with their professional pursuits. Therefore such persons generally formed a very large proportion of colonial legislatures, and had great influence in them. Did the hon. and learned Gentleman think that that was a class of persons from among whom judicial offices should be filled at the recommendation of a Council composed of the same general materials? Judicial offices were the best paid, and rightly so—they were among the highest prizes which talent in the Colonies generally struggled for. Now, did the hon. Gentleman think it advisable to hold out judicial offices as a reward for political partizanship? He confessed, that in a small community, a principle more likely to tarnish the sources of justice, and to destroy the confidence of the people in the administration of the law, he could not conceive. Judicial patronage, on the other hand, was safely vested in the discretion of the Governor General, exercising the influence of the Crown. But suppose a case should occur, in which the rivalry of races should spring up, and compose the elements of party dispute. Suppose it should so happen, in the mutability of affairs in Canada, that the British party, to the exclusion of the French party, should attain political power—did the hon. and learned Gentleman think that it be would be right, or safe, or wise, that a dominant political party, so constituted, should have the power of excluding from all office, of whatever description, the whole of the French population, as being connected with their political enemies? Did he think that the minority, whether it were Tory, Radical, English or French, or whatever it were—did he not think that it would have a better chance of fair play in the distribution of patronage, when that patronage was vested in the hands of the Governor General, than it would have if it were in the power of their political opponents. But he would go further. Suppose an Administration, formed mainly of those persons who had been, to say the least of it, lukewarm when that Colony was in danger of being wrested from the Mother Country—some of whom might have given a tacit encouragement to those who wished for the separation,—suppose that the Legislature so constituted, and the Administration so formed, had the absolute disposal of the patronage of the Crown—did the hon. Gentleman think it would be consistent with the dignity, the honour—to use his own phrase—the metropolitan interests of the Crown, that the patronage should be in the hands of such an Administration, and should be used to reward the very men who in the hour of peril had hung back, and to proscribe and drive out of the service of the country all who in the hour of peril had come forward to maintain the Union of the Colony with England? And did the hon. Gentleman think that it would be wise or consistent with the honour of the Crown, that such rewards and privileges in the one instance, and such proscriptions in the other, should be in the one case conferred, in the other inflicted, not in the name of the Legislature of the province, but in the name of the Crown—that the Crown should confer honour and rewards upon those who had favoured the curtailment of its dominions on the one hand, and should inflict proscription upon those who had wished to maintain their integrity on the other? He did not know what the House would think of this. Yes, perhaps he did know what it would think of such a plan: but this he did know, that sooner than submit to such a demand, there was no privation, no sacrifice to which the Governor General would not first succumb. But the hon. and learned Gentleman had stated that Sir Charles Metcalfe was unfortunately not educated for the service of a free country. What! Sir Charles Metcalfe! Was he a man of extreme opinions—a favourer of absolute and despotic Government—was he a man unpractised in public affairs—with no prudence or discretion—of stern and repulsive manners—hostile to popular institutions, and willing to be an instrument for their subversion? Those who knew anything about Sir Charles Metcalfe, knew that he was precisely the opposite of all this—that he was a man not a supporter of the present Government—of liberal views in political matters—practised in public business—having passed a long and honourable career in two important portions of the British Empire—into one of which—into India—he had

introduced the liberty of the press. It was known to all who knew Sir Charles Metcalfe that he was a man of the most sociable, the most unassuming, the most courteous manners—of the most princely liberality in pecuniary matters—a man so far from being unfit to conduct affairs of Government by means of a representative assembly, that he had been selected by the late Government to go to the Island of Jamaica to deal with the legislative body there, which was at that moment in such a state of jarring hostility to the Home Government, that it had been attempted utterly to do away with it as an unfit instrument for the regulation of the country over which it was called to preside. He repeated, that he was sent out not for the hatred he bore to free institutions, or the resistance which he was likely to oppose to the demands of a popular assembly—and what was the result? In the course of two years he rescued Jamaica from a state of discontent and distraction, and placed it in a condition of perfect harmony and contentment, in which state, brought about be it remembered by the wise, liberal, and conciliatory policy of Sir Charles Metcalfe, that colony had remained from that day to this. That is the man, continued the noble Lord, whom the hon. and learned Gentleman (I believe he is the only man in the House that would use the expression) says, was unfortunately brought up for the management of affairs in Canada. I feel I owe considerable apology to the House for having on this subject—this most important subject—trespassed at considerable length, and I fear, it will be necessary to draw somewhat further on its attention, as I wish not to leave unanswered any statement of the hon. Gentleman, or to treat it with a want of frankness and explicitness. The hon. Gentleman says, that Sir C. Metcalfe never explained what he means by responsible government. I must say, of all the charges made against Sir C. Metcalfe, that was one I heard with most astonishment. Has the House or the hon. Gentleman ever heard Sir C. Metcalfe's answer to the Address from the Town Council of Gore on the subject? If not, I will take the liberty of reading it; and I think, after hearing it, the hon. Gentleman and the House will admit, that on this point, Sir C. Metcalfe has been tolerably explicit.

"With reference, (said Sir Charles) to your views of responsible Government, I cannot tell you how far I concur in them without knowing your meaning, which is not distinctly stated. If you mean that the Governor is to have no exercise of his own judgment in the administration of the Government, and is to be a mere tool in the hands of the Council, then I totally disagree with you. That is a condition to which I can never submit, and which Her Majesty's Government, in my opinion, never can sanction. If you mean that every word and deed of the Governor is to be previously submitted for the advice of the Council, then you propose, what, besides being unnecesary and useless, is utterly impossible, consistently with the due despatch of business. If you mean that the patronage of the Crown is to be surrendered for exclusive party purposes to the Council, instead of being distributed to reward merit, to meet just claims, and to promote the efficiency of the public service, then we are again at issue. Such a surrender of the prerogative of the Crown is, in my opinion, incompatible with the existence of a British Colony. If you mean that the Governor is an irresponsible officer who can, without responsibility, adopt the advice of the Council, then you are, I conceive, entirely in error. The undisputed functions of the Governor are such, that he is not only one of the hardest-worked servants of the Colony, but also has more responsibilities than any other officer in it. He is responsible to the Crown, and the Parliament, and the people of the Mother country, for every act that he performs, or suffers to be done, whether it originates with himself, or is adopted on the advice of others. He could not divest himself of that responsibility by pleading the advice of the Council. He is also virtually responsible to the people of this Colony, and practically more so than even to the Mother Country. Every day proves it, and no resolutions can make it otherwise. But if, instead of meaning any of the above-stated impossibilities, you mean that the government should be administered according to the well-understood wishes and interests of the people; that the resolutions of September, 1841, should be faithfully adherred to; that it should be competent to the Council to offer advice on all occasions, whether as to patronage or otherwise; and that the Governor should receive it with the attention due to his constitutional advisers, and consult with them in all cases of adequate importance; that there should be a cordial co-operation and sympathy between him and them; that the Council should be responsible to the provincial Parliament and the people; and that when the acts of the Governor are such as they do not choose to be responsible for, they should be at liberty to resign—then I entirely agree with you, and see no impracticability in carrying on responsible government in a colony on that footing, provided that the respective parties engaged in the un-

dertaking be guided by moderation, honest purpose, common sense, and equitable minds devoid of party spirit. As you have considerately tendered to me your advice in the supposition that I stood in need of it, I trust that I may, without offence, offer some counsel in return. You have all the essentials of responsible government. Keep it. Cling to it. Do not throw it away by grasping at impossibilities. Do not lose the substance by snatching at the shadow. You desire to perpetuate your union with the British empire. Do not imagine that this purpose can be promoted by obstructing Her Majesty's Government in order to reduce its authority to a nullity. You have every privilege freely granted that is compatible with the maintenance of that union. Her Majesty's Government has no inclination to exercise an unnecessary interference in your local affairs; but can never consent to the prostration of the honour and dignity of the Crown, and I cannot be the traitor that would sign the death warrant of British connection. Cherish responsible government and British connection. Let them work together in harmony and unison in a practicable manner. Let no man put them asunder, but do not pursue a course that must destroy one or the other, or both. This advice is offered with perfect sincerity by a friend, whose only interest in the counsel that he gives, is an anxious desire to secure the welfare of Canada and the integrity of the British empire."

There is the opinion, advice, and declaration of Sir C. Metcalfe, as to his view of responsible government, as regards the happiness of the people of Canada. Observe with regard to the distribution of patronage, no single act has been laid to his charge; no single appointment has been objected to by the Council; no appointment has been up to this day questioned on the ground of propriety, fitness, or even as prejudicial to party interests; no one legislative or administrative act has been called in question by that Executive Council, which has abandoned Sir C. Metcalfe in the midst of his difficulties. No act has been charged against him—yes, there is one—that he reserved for the consideration of the Crown an Act which he permitted them to introduce. That Act was against secret societies. It was directed by the party in power against a party obnoxious to it—I mean the Orange party. I have no sympathy whatever with that party. I believe that any advantage derived from the loyalty they profess, and which I believe they sincerely feel, is more than counter-balanced by the religious animosities and political dissensions which as a body they excite. I repeat, I have no sympathy with Orange lodges, and I regret their existence in Canada and elsewhere. But the Council pressed on Sir C. Metcalfe, that he should pass not an act, but that on his own authority he should give effect to an act analogous to the party processions of this country, and which would have the effect of virtually proscribing every person that belonged to an Orange society. Sir C. Metcalfe, well knowing that amongst that body—whatever be their errors—and he is as little disposed as I am to lean to them—there are many loyal, faithful, and devoted subjects of the Crown refused, on the part of the Executive, to take any harsh or arbitrary measure, which should go to the verge of legality, for the purpose of suppressing that institution. They next pressed for the introduction of a Bill. Sir C. Metcalfe's answer was, if anything was to be done in the matter, he should infinitely prefer legislation. A Bill was introduced, and in its progress it was repeatedly and constantly objected to by Sir C. Metcalfe, as containing arbitrary provisions of an oppressive and unconstitutional character, and as being one to which he felt the strongest objection. And I do not think the House will be of opinion that these terms were too strong, when I state the leading provisions of that Bill. Every Orangeman was declared by the Bill incapable of holding municipal or civil office, o serving in the militia, or of serving as jurors when challenged. Every person holding office was to make affidavit that he was not an Orangeman, and penalties of the severest character were inflicted for holding office without making such an affidavit. In the last place, the furniture was to be sold and license forfeited of any public house in which a lodge was held. What did the Governor do? He had the power of assenting to any Act in the name of the Crown, leaving it to the Crown to disallow his decision if it were thought proper. He has the power, and, according to his instructions, he was bound to cause any Bill of an extraordinary or unusual character to be reserved for the signification of the Queen's pleasure: the effect of which was, that such a measure should not become law until the Crown in person signified its assent or dissent. The course he took was pursuant to his instructions. He reserved the Bill for the signification of the Queen's pleasure, in order to leave to the constitutional advisers of the Crown the discretion of exercising that preroga-

tive which he felt too weighty to take on himself. And that was the single executive administrative or legislative act with which the Council found fault, and that on the ground that the exercise of the prerogative should be controlled by the advice of the very party to the passing of this Bill. Could a more complete, entire, and absolute surrender be demanded, not of the power of the Governor General, but of the prerogative of the Crown? But the hon. Gentleman canvassed various proceedings of Lord Sydenham in altering the limits of Montreal. I will not go into the motives of Lord Sydenham, or throw out, like the hon. Gentleman, charges of fraud and corruption of all kinds, for an act which at that time the Governor General was perfectly competent to see effected. But when the Colonial Legislature made complaint of the local distribution of Montreal, which the hon. Gentleman so strongly condemns, did the Governor adhere to the views of Lord Sydenham? Not at all. He promised that the matter should be fairly submitted to the local Legislature as soon as the united Parliament met. They reversed Lord Sydenham's plan, and the Governor, without a moment's hesitation, stated that there was every disposition, as it was a local matter, to adopt the principle decided on by the Legislature. The hon. Gentleman says, that private Bills were passed through this House interfering with the privileges enjoyed by the Canadians. I do not know the circumstances of the particular Bill the hon. Gentleman alludes to, as it was introduced four or five years ago. But this I do know, that the company which I believe was referred to by the hon. Gentleman came to me, asking for powers to amend an Act by the interposition of the British Parliament. The answer I gave them was this: So far as relates to the privileges and powers exercised by you in this country, I do not object to an Act of Parliament; but, mind this, I insist that whatever has been done by the Canadians, this Act shall be of no avail until it has obtained the assent of the Colonial Legislature. So much for the justness of the principle of the hon. Gentleman, when he gave me cautious warnings. The best answer to his prophecies is my conduct on this very Bill. The hon. Gentleman also touched on the important and difficult question of the Civil List of Canada. I am not about to re-open the policy of the re-union of the two provinces; I am not about to question the necessity which Parliament felt of insisting, when the re-union of the provinces was effected, on such a Civil List, for the purpose of carrying on the business of the Government, so as to make the principal officers, by whom it was conducted, independent of an annual vote of the local Legislature—I say for the working of any constitution, that the Civil List should be independent of the annual caprice of the local Legislature as absolutely indispensable to the due administration of justice, and the proper disposal of the business of the State. But I had, in the present year, an address laid before me, not from Mr. Hincks, but from the Legislature of the province, complaining of the imposition of a Civil List, and praying for its removal. Perhaps it will not be considered unwarrantably trespassing on the time of the House, if I read my reply. [The noble Lord read his despatch. It was to the effect that her Majesty heard with regret any objection to an enactment which was intended only to give stability to her rule. That her Majesty would gladly owe the provision of the Civil List to the spontaneous bounty of the Canadians; and that if the Legislature, in concert with the Governor, provided a Civil List adequate to the purposes intended by Parliament, he should gladly introduce a Bill removing any restriction on the finances of the United Provinces.] The hon. Gentleman warned me that the effect of the course I was pursuing was seen by the elections. I was rather surprised that he referred to the election of Montreal as an illustration of the unbiassed and independent feeling of Canada, because my information with regard to those proceedings is so completely at variance with that received by the honourable Gentleman, telling, as it does, of the disturbance which took place; of so many polling-booths closed, not in one district, and on the second day; but in several districts, and on the first day of the election being completely controlled by an organised band of persons, not inhabitants of Montreal, but composed of Irish labourers, brought from the Lachine Canal, which, in order to prevent the possibility of those willing to work taking their places, was destroyed previous to the election—I have, I say, such testimony on that subject, that I, for one, cannot assent to the allegations of the hon. Gen-

tleman, founded, no doubt, on the information which he received, or subscribe to the opinion which he expressed, that the election of Montreal indicates in the slightest degree or manner the unbiassed feelings of the people of Canada. The hon. Gentleman calls on us to beware of the course we are taking, and carefully to consider the effect of our measures. I do trust—I have a confident belief, that the moderation, discretion, firmness, conciliatory temper and disposition of Sir C. Metcalfe—his earnest desire to carry on the Government of Canada in accordance with the well understood wishes and views of the people of that province—that his determination to act in accordance with his instructions, to the effect that this country is not disposed to interfere in the local administration of purely internal affairs—and that the honesty, simplicity, and straightforwardness of Sir C. Metcalfe's character will not be without its influence on the feelings of the population. I believe that the clamour raised against him through a misrepresentation of his words, actions, and sentiments, will die away within a limited period; and I do entertain a confident belief that his acting on his own sound and determined views—reconciling the Colonial dependency of the Provinces with the entire responsibility of the Government in local matters, will obtain for Sir C. Metcalfe, in the long run, the concurrence and support of the people. The question for that people to solve is a very grave one. It is one to which I trust they will give their deliberate, their calm, their impartial consideration. Sir, I do not underrate the importance of Canada to the empire. I do not look on it as a source of strength in war—it is more likely to be a source of weakness. It would give us little or no support in an European war, and in case of a war with the United States, which God forbid, it would be our most vulnerable point. In a military point of view, therefore, Canada adds little to the strength of the empire. Indirectly, the connection strengthens us by forming a nursery for our seamen; and, in a commercial point of view, it is of great importance to us, as giving us a command over the inlet and outlet to a great Continent, through a mighty river, which is one of the finest water communications on the globe. Commercially and politically, then, I will not deny that it is of great importance to us; but if the connection be of importance to this country, I ask the hon. and learned Gentleman, whether, in his judgment, it is not infinitely more advantageous to the population of Canada? Are they slight advantages which the people of Canada derive from it? They enjoy as free a Government, and, I venture to say, the lightest taxation of any people on the inhabited globe. They have perfect religious freedom. They have, at no cost to them, the naval and military protection of one of the mightiest powers. They have annually an immense expenditure in the shape of Commissariat and other establishments distributed over their territory. They have been enabled during the last year to borrow (while the United States are unable to obtain money at 6 per cent.) from their connection with this country and nothing else, for the improvement of their internal communications, a million and a-half at little, if at all, exceeding $3\frac{1}{2}$ per cent. Canada has an immense indirect expenditure from the establishment of British merchants, and the investment of British capital. I have stated already she has the protection of this country. She has also for her produce (and no inconsiderable addition has lately been made to this advantage) the exclusive benefit of a free admission to the richest market in the world. These are the advantages which Canada possesses through her connection with this country; these are the advantages which Canada must be prepared to sacrifice if a separation should unhappily result. It is for Canada well to consider whether the price she has to pay in the slight and all but nominal subordination to this country is too high a price for the protection, advantages, and substantial benefits conferred on her. But Canada must not expect, as the hon. and learned Gentleman seems to think she has a right to expect, that she can at once enjoy the unlimited and entire independence of a separate republic, and the advantages derived from British protection and commerce. I believe the mass of the people of Canada are cordially attached to this country. I believe, when they seriously consider the results of the alternative I have put, they will follow, not the advice of the unprincipled demagogues—bad, rash, and interested counsellors, but take as their guide the liberal, sound, and honest views of the Governor General. I am persuaded, that by the

exercise of sound sense and discretion, the people of Canada may long continue to enjoy the advantages she now possesses; and that in connection with, rather than in subordination to this country, she may assume the position of a thriving and happy Colony. [The noble Lord sat down amid loud cheers.]

Mr. *Hume* would not, after the lengthened discussion which had taken place, do more than notice a few points which had been neglected by the noble Lord. He believed the statement which had been made to the House by the hon. Member for Bath to be perfectly correct. The conduct followed by Sir C. Bagot had given the greatest satisfaction to the people of Canada, and he wished the noble Lord had stated whether he approved of it. He wished to know what it was that had produced the state of discontent and disaffection existing in that Colony. He understood the noble Lord entirely to deny the acts which were charged against the Governor General. With respect to the noble Lord's statement, that the Governor had engaged to administer his patronage in accordance with the sentiments of his Council, that was expressly denied by the resigned Ministers. Sir Charles Bagot had frankly adopted the course of acceding to the demands of the Colonists to possess a responsible government, to manage, in fact, the public affairs by the representatives of the people. On the other hand, the late Ministers of Canada had found it impossible to conduct the Government under Sir Charles Metcalfe, and at the same time give satisfaction to the House of Assembly, and had therefore felt it their duty to resign their offices. He asked any hon. Member who had attended to what had passed in the debate, if he could tell what was the meaning of responsible government? It seemed to be now one thing, now another. It was for the Government, who had approved both Governors General, though acting on entirely different principles, to explain what parts of Sir C. Bagot's conduct they thought peculiarly deserving of approbation. With respect to the course taken by the late Colonial Ministers on the Bill which had led to their resignation, he had no doubt they were in the right, for they appeared to have differed from the Governor on the construction to be attached to the principle of responsible government from the very commencement. He greatly deplored the misunderstanding which had taken place; for if there was one man by whom he had expected the people of Canada to be conciliated it was Sir C. Metcalfe. From everything he knew of Sir C. Metcalfe's conduct in India and Jamaica, he had been led to believe his appointment one of the most fortunate that had been made by the Government, and he had thought that if any one could carry on Canadian affairs quietly and harmoniously, Sir C. Metcalfe was the man. Indeed he had no doubt that right hon. Gentleman would have done so had he not been trammelled by the noble Lord. [Lord *Stanley:* I beg your pardon, he is not.] He had a high opinion of Sir C. Metcalfe, and he had not a high opinion of the noble Lord: therefore, whenever a doubt existed he must be excused for throwing the blame, if blame was to be attached to any one, on the noble Lord's head. It appeared to him utterly impossible that Sir C. Metcalfe could get out of his present difficulties. Responsible government would be a delusion if the noble Lord's interpretation of it were adopted. The Canadians expected that a majority of the House of Assembly should appoint the Ministers of the Governor, as a majority of the House of Commons appointed the Ministers of the Crown. What, he should like to know, would be the feeling of the people of this country if any set of Ministers were to be maintained in power contrary to the opinion of Parliament repeatedly expressed? At this moment Canada was without a single responsible Minister; and if the noble Lord's doctrine were adhered to, the inevitable consequence would be that the Colony would be deprived of even the shadow of popular rights. No one could expect that the Canadians would be contented, unless the Government were conducted as it had been by Sir C. Bagot, and Ministers were allowed to act in unison with the Representative Assembly. Allow this, and you would have a happy and a united Colony; deny it, and the worst consequences might be feared. At present we seemed to be plunging into the same career of misgovernment for which England had already paid so dearly, and which had caused so much misery in our Colonial possessions. In every Government there must be a disposition to conciliate, and no man in the House regretted more than he did the

first account he had heard of the resignation of Ministers. He had no hesitation in declaring that he thought they might have waited till some overt act had occurred. [Lord *Stanley*: "Hear, hear"]. He had stated so at the time, but from the turn which affairs had now taken, he saw no hope if the Government persisted in remaining counter to the wishes of the great mass of the people. He hoped that both parties might be disposed to relax somewhat in their demands, but unless the noble Lord set an example of conciliation, he regarded the prospect as one of the gloomiest kind. Every answer made by the Governor General to the addresses presented to him was of the most inflammatory nature, calculated to stir up disaffection and animosities among every class. He had expected that the conduct of Sir C. Metcalfe would be marked by that forbearance, prudence, and conciliation which had distinguished him in other situations. He knew that the principles of the right hon. Gentleman were in favour of liberty, as he had manifested through a long course of public life; and he was very much disappointed to find that he was in the hands of such imprudent advisers.

Mr. *C. Buller* said no man in the House could feel greater interest than he did in the particular question which had now arisen between the Governor-General of Canada and his Executive Council, though many, perhaps, might feel as strong an interest in the welfare of Canada. The recommendation of responsible government, or, as he preferred calling it, in a general sense, Parliamentary government, was the main feature of Lord Durham's Report; and though his hon. and learned Friend had insinuated that Lord Durham was not the originator of the idea, but took it from Mackenzie, he could assure the House it was borrowed from no such source. Inquiring into the causes of the disorders of Canada, Lord Durham picked this out from the chaos of Canadian discontent and mismanagement, as that which appeared to him, conversant with the Government and constitutional principles of this country, the main obvious cause of the disaffection, the Executive Government being carried on by persons not possessing the confidence of the Legislature, to which was entrusted the full power of making laws, and the entire control over the public purse. No arguments had ever shaken his conviction, that if you had the power of legislation vested in a Parliament, the plainest and simplest reason dictated that you must place the Executive Government in the hands of those who possessed its confidence. ["Hear."] He need not now refer to the spectacle which the North American Colonies presented at the time when Lord Durham's Report was made, or the anarchy which had prevailed for ten years before. In spite of any difficulties which might have lately occurred, he could not but look with triumph to the success of that recommendation, wherever and in so far as it had been fully and honestly applied. There was no one of the British American Colonies, in which, when acted upon, it had failed to produce perfect harmony between the different branches of the Legislature, and content among the people. He felt confident that any attempt to abandon that principle, and revert to the old system of previous years, would only produce confusion and collision, a stoppage of the machine of Government, and a prostration of that prosperity for which the situation of the British Colonies offered so fair an opening, and in the ultimate result an ignominious and disastrous separation from the Mother Country. These were considerations which should induce every man in this country, and in the Colonies, to pause before they trifled with this question. Personally interested as he was in the recommendation of that principle, in which he had borne his full share, he felt bound to insist that it should be fairly carried out. But while he should resist any attempt to abandon it, he felt it to be equally his duty to resist any attempts from those on the popular side to abuse it, by encroaching on the just and due prerogatives of the Crown. He would not lay down any definition of the principle of responsible government. It seemed to him to be very unwise to attempt to frame too strict a definition of constitutional principles, and still more unwise to put—which was the only fault he could find with the noble Lord—hypothetical cases, in which those principles might be pushed to extremes. Of this there could be no doubt, that in every instance of Parliamentary government, the business of that Government must be carried on by heads of departments, who enjoy the confidence of the executive authority, and of a majority of

the Legislative Assembly; and no man could seriously think of saying, that in the appointment of every subordinate officer in every county of Canada, the opinion of the Executive Council was to be taken. No man could seriously believe, that any one thought that a revenue officer, in a remote county of Canada, would be appointed by any government, otherwise than by recommendation of the local authorities. No ruler could hope to carry on the business of Government, if he did not take that course; for the local authorities were those alone who could possess the knowledge requisite for giving a sound recommendation in such a case. So far then they were agreed as to the principles upon which Canada ought to be governed; and he might say, that the people of Canada had had the full benefit of those principles; but, he differed from the hon. Members for Bath and Montrose, as to the facts. In the first place, Sir Charles Metcalfe did not violate the principle of responsible government; in the second, he did not turn out his Executive Council; and, in the third, he did not refuse, in the manner stated, the pledge which had been demanded of him. And now, he must say, that he could not perceive the resemblance which had been discovered by some hon. Members who addressed the House between the condition of Canada and that of Great Britain. He could not conceive how any one could insist upon the existence of any such resemblance, or how any one, whether he supposed such a resemblance to exist or not, could think of calling upon the governor of a colony to give a general pledge, that he should, in no case, make any appointment, without the consent of the Executive Council. To call upon the Crown, or upon any representative of the Crown, for any pledge of the sort, appeared to him unheard of. In the present instance the story told was that Sir C. Metcalfe made a great number of appointments, in which he selected the objects of his patronage from amongst the political opponents of the Government, and that it was not until then that they called upon him to promise, that he would not make any further appointments without their consent. Sir Charles very plainly told them, that upon that point he totally differed from them, and thereupon nearly one-half of them resigned. Now, when it was said that a great quantity of appointments were disposed of in this way, it was only fair to call upon those who made that statement, to specify one case of this alleged abuse of patronage. A member of the Executive Council thus challenged, did specify a single case; but he was obliged to come down to the House of Assembly the next day, and retract his statement. It was true that the Speakership of the Legislative Assembly—an office which had been compared to that of Lord Chancellor in this country—had been given away contrary to the wishes of the Executive Council. That, it must be acknowledged, if the analogy were correct, was a case of the very gravest importance. Let he House only suppose, that the right hon. Baronet at the head of the Government met any one in the street, who told him that the Queen had appointed his hon. and learned Friend the Member for Worcester (Sir T. Wilde) to the office of Lord Chancellor, would not the right hon. Baronet at once consider that as tantamount to a withdrawal of confidence from his Government? Under such circumstances a Ministry ought to resign at once. The offer of such an appointment to such a man, was a mark of the withdrawal of the Governor General's confidence. That offer was made three or four weeks before the resignation took place; and he really did not believe, that the offer of the appointment was the real cause of their resignation. It was not mentioned in Mr. Baldwin's letter, and he looked upon the complaint rather as an after-thought. The fact then was, that a set of gentlemen resigned, because, as they said, appointments had been made without consulting them; and yet, when called upon to state what those appointments were, they could not mention a single one. The unfortunate consequence of that had been, no doubt, that the Government of Canada had not been filled up satisfactorily — that the Governor General not wishing to throw himself immediately into the hands of his political opponents, had not been able, from amongst his own supporters, satisfactorily to fill up the offices of the Government. But, after all, his hon. and learned Friend the Member for Bath had rather overstated the mischiefs that had resulted, for many of the offices of the Government had been filled—that of Provincial Secretary, by Mr. Daly; of Attorney Gene-

ral, by Mr. Draper; and of Solicitor General of Lower Canada, by Mr. Barnard. His hon. and learned Friend said, that the matter had been settled by the Montreal election, which he did not think was the case; for he knew that there were numerous instances of gentlemen of French origin, who adhered to Sir C. Metcalfe's government. As to the Montreal election, he could not altogether acquit Sir C. Metcalfe of blame upon that head, because he could only attribute it to some neglect in using the powers of the Executive Government in a most material point, inasmuch as he did not put a stop to riots and tumults at elections. His hon. and learned Friend said that those riots had begun in Lower Canada under Lord Sydenham. He believed, on the contrary, that there never was an election there before without the most dreadful riots, which were only settled by the Irish coming in with their sticks and driving out both parties. With respect to the election at Montreal, he could prove that the most unfair practices had been resorted to—that during the first day some of the polling booths were closed—that after the first day not a single agent or poll clerk appeared at the booth of the defeated candidate—and that bad votes were tendered and received. Upon that occasion about 900 French Canadians voted for Mr. Drummond, and about fifteen for the other gentleman. Every respectable voter who went to the poll had his clothes torn from his back, which prevented many respectable people from voting at all, and he believed that not above one-third of the French Canadians of Montreal were polled. That was a very strong indication, he thought, that violence had been employed, especially when that circumstance was coupled with the fact that the military had to be called out, and that the voters went to the poll through a double line of soldiery. His hon. and learned Friend had chosen to consider this as a portion of a crusade upon the part of the noble Lord the Secretary for the Colonies, against the principle of responsible government in all the Colonies, and in support of his argument had instanced the case of Nova Scotia. Upon that point he would remind his hon. and learned Friend that Mr. Howe, a gentleman who was highly respected throughout the whole of North America, had stated that the cases of Nova Scotia and of Canada were quite distinct, and that all the difficulties in Canada arose from a bungling Administration. The question of the first importance was, what view would the Canadian people and their Parliament take of this matter. He was firmly convinced, looking at the subject with no bias whatever against the gentlemen who had gone out of office, that the errors in this case were upon the part of those who had quaralled with Sir C. Metcalfe. The question was, what party ought to triumph in this contest, and which must. First, it was for the Canadian Parliament to give a solution of it, and no doubt that question would be much complicated if they were to approve of the conduct of the retiring officers. In that case Sir C. Metcalfe would have the resource of appealing to the constituent body, and despite the Montreal elections he believed that such an appeal would be responded to by the good sense of the electoral body. But in order to give that good sense fair play, one thing must be done in this country, and that was that Parliament should strongly express an opinion as to the question at issue between Sir C. Metcalfe and the Executive Government, and as to the course which the Government and the Parliament were prepared to pursue. The tone adopted by the noble Lord, he must say, would be most satisfactory to the people of Canada, and he believed that it would be so, because he understood that the noble Lord was prepared to support Sir C. Metcalfe; because he understood that the noble Lord's support was not confined to one part, but to the whole of the Governor General's policy — because the noble Lord approved of the marked attention paid by Sir C. Metcalfe to the sound and fair practice of Government, and of his resisting any, the slightest, infringement upon the fair prerogatives of the Crown. His firm belief was, that if it was once fairly stated to the people of Canada that such was the determination of the Legislature and Government of this country, the people of Canada would gravely and seriously consider the consequences of maintaining a contest with this country on grounds so untenable as those which their leaders had taken; and he believed this from looking at the principles involved, because those principles were not exactly of the same moment as they were in this country; they were more important in Canada; they were the

safeguards of imperial connexion. If the people of Canada believed that an encroachment on the rights of the Crown was meditated, he believed that their good sense would make them resist any such attempt. Whatever might be the advantages to this country in political and commercial points of view of the connexion with Canada, he believed with the noble Lord that the balance of advantages was infinitely on the side of Canada. He knew by experience what mischief a want of reliance on the good faith of the Government of this country, and on its determination to preserve the connexion with the Colony, had worked, and he believed that the best thing which the Legislature could do would be to take means to strengthen the belief of the people of Canada in that good faith and that determination, and that he considered would best be done by taking measures to support Sir C. Metcalfe in the course he was pursuing. He thought that course would be the best for the security of the Government and the welfare of the people. He believed that Her Majesty's Government could not have made a more wise selection than when they took Sir C. Metcalfe out of the ranks of their political opponents and appointed him to the high office he held, as the man best fitted for it by the experience he had had in colonial government. He believed that it was impossible to find any man better adapted to carry on the Government in a conciliatory as well as a perfectly just and liberal manner.

Lord *J. Russell* had been unwilling to give any opinion on this matter, because, on the one hand, the facts on which his judgment was to be formed with respect to the conduct of Sir C. Metcalfe, had been presented to him now for the first time, and, on the other hand, those facts had had very little light thrown on them; but as the question had been brought forward, and as he had been concerned formerly in the affairs of Canada, he did not think it right altogether to be silent. He had been one of those who counselled the appointment of Lord Durham, and he had also been one of those who counselled the appointment of Lord Sydenham. With respect to the principles contained in the Report of Lord Durham, he had concurred in them in the despatch which the noble Lord had quoted, to the extent therein stated; but if what he (Lord J. Russell) there said were taken without sufficient limitations, misapprehensions might be, and perhaps had been created. With respect to Lord Sydenham, he was sure that no man could have been appointed who was so likely to use his faculties for the benefit of the people of Canada, and the maintenance of the connexion with this country. Lord Sydenham, he believed, had been struck with an observation of his (Lord J. Russell's), that there was no place where a man could do so much good to a large portion of his fellow-creatures, as in the situation of Governor General of Canada. Lord Sydenham on that account accepted that office, and when he got out devoted his energies to the good of the country. Lord Sydenham possessed great influence with the Assemblies of Canada, chiefly on account of the knowledge which Lord Sydenham possessed of Parliamentary business, and the manner in which free discussion ought to be carried on. The knowledge he had of affairs of trade and commerce was likewise a recommendation. Accordingly, those who were engaged in affairs of state felt that his advice was useful to them, and therefore his opinion had great weight with the Representative Assemblies. Those resolutions which the noble Lord had read to the House were passed by the advice of Lord Sydenham, in opposition to those put forward by Mr. Baldwin. They purported, that the Government could be carried on in accordance with the wishes of the representative body of Canada, but that the Governor General could not divest himself of his duty to the Crown. On those two principles the Government had since been carried on. With respect to Sir C. Bagot, he did not think it at all necessary to recur at length to his conduct in the government. He thought that Sir C. Bagot, in the circumstances in which he was placed, could have done no other than choose the Ministry out of the large majority of the representative body; but he thought that circumstances did occur which certainly tended to weaken the authority of the Governor General in those provinces. It must be remembered, however, that for a long period Sir C. Bagot was suffering under indisposition. When Sir C. Metcalfe was placed in the situation of Governor General of Canada, he declared his adherence to the resolutions of 1841; he declared his adherence to the principles of responsible government, so

far as they were applicable to a colony; he continued the Ministry of his predecessor; but he found, but not till after a considerable time had elapsed, a difference of opinion between himself and his Ministry; they required concessions from him, which he considered it not to be consistent with his duty to the Crown to make. The noble Lord had read the terms of those demands, with Sir C. Metcalfe's answer, and he had read also the answer to an address of the people of Gore county, which explained more fully the principles and opinions of Sir C. Metcalfe with reference to the question at issue. Now, in his opinion, taking that view of those demands, and of his duty to the Crown, Sir C. Metcalfe could do no other than resist those demands. It was impossible for Sir C. Metcalfe to consent to the demand, that in all cases, he would bind himself to the Executive Council, to follow their will, and thus make himself a cypher in the Government. If Sir C. Metcalfe had declared that he would in no case take the opinion of the Executive Council as to any appointment that was to be made, he should have thought Sir C. Metcalfe took an erroneous view; but the House had heard to-night, from the noble Lord, that no such thing was the case. The other point in dispute, besides that of the appointments to offices, was with respect to a Bill which had been passed by the Canadian Legislature, and which Bill Sir C. Metcalfe had reserved for Her Majesty's consideration. Now, the House had been told, that on that point of dispute there was a difference of opinion as to the facts. The hon. Member for Montrose said that it was merely a question whether or not a slight was put on the Legislature by reserving the Bill; but if that were so, he could not conceive how that could be made a ground for the resignation of the Members of the Council. If their opinion was, that Sir C. Metcalfe should listen to them and not obey his instructions from England, they took, he must say, an exaggerated view of their own power and importance, to which it was impossible for Sir C. Metcalfe to assent. Taking, then, the high authority of Sir C. Metcalfe for the facts—and there could not be higher authority—it appeared to him that Sir C. Metcalfe was right in the disputes with his late Executive Council; and, looking to the future, he must say it was to him some ground of hope, that the late Executive Council seemed to shrink from the ground that Sir C. Metcalfe stated to have been at first put forward by them; they seemed not now to take up those grounds, but to state that the ground was only the want of that confidence in his Ministers which a Governor General ought to show. If, then, as he hoped, they did not mean to insist on those demands, it would be far easier for the Assembly to come to some agreement than if some great constitutional question were at issue. But he imagined that neither Sir C. Metcalfe, nor any other Governor, would deny that with regard to certain persons appointed to offices, their general conduct towards him, and his towards them, ought to be marked with confidence in all transactions. Therefore he did not take the gloomy view of the hon. and learned Member for Bath, supposing that those persons were not at once replaced. He trusted that the Legislative Assembly of Canada would see that it was far better for them to have men who were likely to carry on the business of the Government solely with a view to the prosperity of the country. The noble Lord had stated, in a way not warranted by the fact, the great advantages which Canada derived from her connection with this country. It was impossible to imagine that Canada could obtain any more advantageous position at any price. Even if she were to become an independent republic, she could not last so but for about six months; and if she were to join the United States, what would become of her independency, and especially of that peculiar regard to her religious establishments which this country had always shown in her connection with Canada. He could not but think, then, that the people of Canada and their representatives would ultimately agree in the appointment of Sir C. Metcalfe; and also that his arrangement with regard to the Executive Council would be for the benefit of Canada. He was sure that they would not improve their situation by endeavouring to deprive the Governor of that authority which was so necessary for the maintenance of the connection between this country and the Colony.

Mr. *Trelawny* complained that the hon. and learned Member for Bath had anticipated a Motion which he had placed upon the Paper, and the House he thought ought to bear in mind the promises which

had been made to the people by the Government, and particularly by the noble Lord.

Sir *R, Peel* said, that his noble Friend had so fully stated, and with so much ability, the general views of the Government, with reference to the unfortunate disputes with Canada, that it was wholly unnecessary for him to add anything to his statement, in every word of which he agreed. But, in justice to his own feelings, he could not allow this debate to close without expressing the sentiments which he entertained with respect to that distinguished officer, to whom, at a period of great difficulty, the administration of affairs in Canada was entrusted. For his part, he did not think the Ministers could have given a stronger or a greater practical proof of the principles upon which they desired the Government of Canada to be conducted, than by the selection they had made of Sir C. Metcalfe. He believed he was stating what was exactly the truth when he said, that not one single Member of Her Majesty's present Government was personally acquainted with Sir Charles Metcalfe—he doubted, indeed, whether any one of them had ever seen him until the period when the Government of Canada was offered to him. He was not connected with them either by political or by personal ties ; and they disregarded all political claims in their desire to make an appointment to Canada which should be an intimation to the people of that Colony of the principles on which their Government was to be carried on. They selected a man who had been a most distinguished civil officer of the East India Company. They selected a man who had been in the administration of the affairs of a popular Government in Jamaica, and who in that situation had achieved great honour by the moderation and firmness with which he had acted. That was the man to whom the Government of Canada was entrusted. And when he looked back and considered the general tenor of the reports which had been that night alluded to—when he also glanced at the views Sir Charles Metcalfe took of the conduct of all who were concerned in the rebellion—the uniform tenor of his recommendations—his desire to bury in oblivion everything that had passed—his desire that there should be, as far as possible, a complete pacification, and a complete indulgence, as far as was consistent with the administration of the first principles of justice, he must own he was surprised that a more favourable construction of the motives and conduct of Sir Charles Metcalfe had not been adopted. It appeared to him that Sir Charles Metcalfe had been completely in the right in this respect, and that he was entitled to the entire confidence of Her Majesty's Government, and to the fullest support that the Government could afford. As to the proposal that he should bind himself to act upon the recommendation of the Executive Council, whether conveyed in writing or by a tacit understanding, he thought Sir C. Metcalfe would have submitted to a great humiliation if he had consented. The first principle undoubtedly of a representative Government, was that the Sovereign should be guided in making appointments by the advice of the Ministers ; but it was quite a different thing whether the Sovereign should adopt the advice of the Ministers, when or whether the Sovereign should contract obligations to act upon all occasions by that advice. In that case the Sovereign would become the slave, instead of the master. But independently of the humiliation, waving altogether the consideration of the question whether or no that obligation was admitted by the Council of Sir C. Metcalfe, it was perfectly right for him in substance to decline such an engagement. There was no analogy between the position of the Governor and the Council of Canada, and the position of the Sovereign and Ministers of this country. The Governor was bound, and he admitted the distinction which had been drawn by the hon. and learned Member for Bath—he thought the Governor of Canada would be unwise who did not in all local matters consult the feelings and opinions of his Council ; but then he would say this, that, with respect to all these questions of patronage, he thought that Government in England or in Canada would be mad that sought for the possession of patronage or power, excepting for the benefit of the community. But in his opinion the position of an Executive Council towards a Governor was perfectly distinct from the relation of a Minister towards his Sovereign. The very fact of a Governor standing in a double relation as it were, responsible to his Sovereign, at the same time that it was his duty to defer to the Colonial Legislature,

at once established that distinction. But there was another ground also on which, in the case of a Colony, a distinction existed. He thought it might be for the interest of the governed that the Governor should refuse to place himself under the entire control of the Executive Council, and that it was impossible to govern Canada on the same principles on which this country was governed. The greater the population and the more regular the Constitution, the easier was the country governed by party. But in a small community he did not think that party could govern with any advantage. It was possible that there might be a Government connected with the ruling power; and supposing that there was a party possessed of a majority in the House of Assembly, and held the reins of power, that viewed with intolerance the minority, and exhibited a disposition to tyrannise over the Government, he was not certain if in that case the Governor ought to be bound to adopt the recommendations of the predominant party in Canada. He thought the Governor would have a perfect right to say, if an appointment were suggested to him by his responsible Government that was offensive or unjust, as in the case he had supposed, towards the French Canadian party, "I owe a duty to my Sovereign. I am the Governor of the whole population in this country. I must exercise a judgment myself whether that particular appointment be right or not. I think it will be offensive to a considerable party, though that party is a minority of those whom I am sent here to protect." In that case he thought the Governor would be quite justified in rejecting the advice of the Executive Council; and it was because the population was small, and that political asperities and animosities were greater in proportion to the limited amount of population, that he thought it good reason why a Governor representing the Sovereign of England, and bound to administer justice to all, ought to refuse to enter into any such engagement as that which Sir Charles Metcalfe had refused. Reference to-night had been made to promises to the Canadian people; but he trusted they had not shown—he was sure his noble Friend had not shown—any disposition to withhold from the people of Canada the fulfilment of any engagements which, by the Act of Union, or the disposition evinced by Parliament in the course of the discussion of that measure, had been undertaken by this country. He was perfectly satisfied, as he had always said, that the utility of our connexion with Canada must depend upon its being continued with perfect goodwill by the majority of the population, otherwise it would be a source of weakness and discontent. The connexion would be extremely onerous to both parties, unless it were continued with the good-will and kindly affection of the majority of the people. It would be infinitely better that that connection should be discontinued rather than that it should be continued by force and against the general feeling and conviction of the people. He trusted nothing had passed in the course of this night's debate, or in the tolerably unanimous desire which had been manifested to support that most able and distinguished man who, under the pressure of severe suffering and ill health, was now discharging what he felt to be a paramount duty to this country—which would be at all an inducement to the people of Canada to show any feeling of ill-temper or disposition to prolong these unhappy dissensions. He did believe there was a firm determination on the part of Sir C. Metcalfe, he was sure there was on the part of the Government and the Legislature, that the Government of Canada should be a just one; and they would seek for no power or patronage except what was believed to be essential to good government in Canada, and necessary to maintain the connexion between the two countries. It seemed to be the impression on the part of some that a vast majority of the people of Canada were adverse to Sir C. Metcalfe; but, as far as he could collect public opinion in Canada, he believed Sir C. Metcalfe had shown such temper and judgment mixed with firmness, that the ultimate result would be to conciliate the good opinion of the majority of the people of Canada. He had great confidence in his ultimate triumph. Even at the commencement of these discussions, of ninety-three addresses presented to Sir C. Metcalfe, ninety were in favour of his policy, and three against it. He did trust this might be considered an indication that when the present feeling had a little subsided, the deep conviction there must be on the part of the people with reference to the motives of Sir C. Metcalfe would induce them to feel sensible that it would be difficult for any Government of this coun-

try to find a successor to Sir C. Metcalfe more competent to administer public affairs, or one who in addition to many admirable qualities was actuated by a sincere desire to promote their interests, and conduct his Government in the mode best calculated to increase their prosperity and confirm their connexion with this country.

Report of Supply brought up and agreed to.

House adjourned at a quarter to one o'clock.

HOUSE OF LORDS,

Friday, May 31, 1844.

MINUTES.] BILLS. *Public.*—1ª. Assaults (Ireland); Stamp Duties; Courts Martial (East Indies).
Reported. — Factories; Customs; West India Relief; Edinburgh Agreement.
3ª. and passed:—Night Poaching Prevention.
Private.—1ª. Harris's Estate.
2ª. Mackenzie's Estate; Ramsden's Estate.
Reported.—Farrington and Cwmgilla Inclosure.
PETITIONS PRESENTED. From Burnley, Colne, and Clitheroe, against the Creditor and Debtors Bill.—By Lords Lurgan, and Campbell, from Kilrea, and 17 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland; also from Kilrea, and 3 other places, against the Dissenters Chapels Bill.—By Lord Lyttleton, from Leigh, in favour of the Ten Hours Factory Bill. — By Earl Brownlow, from Sedgebrook, and 20 other places, for Protection to Agriculture.

CROWN CHALLENGES. [IRELAND.)] The Marquess of *Normanby* referred to what he had stated a few weeks since, relative to certain facts at the Monaghan Assizes, which showed an absence of sincerity on the part of the Government, or of infidelity in obeying their instructions, when it had been declared that impartiality should be observed in setting aside juries, and he had stated that he had not brought forward his statement without information from most respectable, and, he believed, trustworthy sources. His noble Friend had thereupon read a letter from the Crown Solicitor of the Circuit, giving his own explanation of the circumstances, which he (the Marquess of Normanby) was surprised to find directly in contradiction to the information he had himself received. Three jurors, it appeared had been set aside. With regard to the first, it was stated, John Hume had been servant to a Ribbonman. This was not the fact.

Lord *Wharncliffe*: It was stated that he was son-in-law to John Rice, who had been recently convicted at the Armagh Assizes.

The Marquess of *Normanby*: With respect to his being son-in-law, he was not, and had not been intimate with him. Then with reference to Henry Caulfield, it had been stated that he had been at the head of a faction which had committed agrarian outrages, but he was a respectable farmer, and had never been so charged; and with respect to Edward Blakewell, it had been said, that his brother had been convicted of an offence, whereas he was a person who held a considerable farm, and had never been charged with Ribbonism or any other crime. He had made an inquiry into the truth of this information, and was told that they were all respectable and unobjectionable. He believed that there had been some mistake or other with respect to them, and he complained that Mr. Hamilton had not taken pains to inform himself of the facts. Seven Catholics had been excluded from the jury, and only one left on; the general impression being, that he was left on by mistake, especially as there was only one Protestant taken off, who was declared to have been taken off by mistake. With reference to Caulfield, so far from being at the head of an association for agrarian outrage, he understood that he was an opulent person, and a large farmer; that he had been a poor-law guardian, and, like Hume, had before served on juries, and the only ground on which the statement could rest, was, that between his brother and brother-in-law, there had been a dispute—yet the brother (the person actually concerned) had served on a jury at these assizes. He believed that all three were unexceptionable men, and he regretted that Mr. Hamilton had not obtained more accurate information before he wrote to his noble Friend.

Lord *Wharncliffe* said, that supposing all the noble Marquess had stated, were true, it did not impugn his statement, unless the noble Marquess asserted, that these persons were struck off the jury, because they were Roman Catholics. The noble Marquess forgot that the offence which was to be tried was Ribbonism, and it was known, that these societies were almost exclusively confined to Catholics, and it was therefore the more likely that the Crown would not leave Roman Catholics on the jury. If Mr. Hamilton was at the time satisfied of the truth of the circumstances represented to him, he was justified in passing these persons by:

that they were Roman Catholics, was the more probable from the nature of the crime.

Earl *Fitzwilliam*: And, therefore, because the offence was confined to Catholics, the prisoners were to be tried by an exclusively Protestant jury. That was the doctrine of his noble Friend. If he understood the institution of Trial by Jury, it was that the defendants might have some one on the jury who would give due weight to their good character; if, therefore, the parties to be tried were Catholics, it was the more necessary that Catholics should be on the jury. Would his noble Friend reverse the case? and if there should be a class of crimes confined exclusively to Protestants, would he have an exclusively Catholic jury? If his noble Friend would do that, he had not another observation to make.

Lord *Wharncliffe:* No, he would not. He had been unfairly, he was sure, most unintentionally, misrepresented. He did not say that a Catholic should be tried by a Protestant jury, but if a Catholic were tried for a conspiracy, and if information was given to the party conducting the case, that any person on the jury was likely to be favourable to the conspiracy, it was right to strike him off. As this conspiracy was confined to Catholics, the objection was more likely to fall upon the Catholics than the Protestants, that was all. He denied that he had said they should be confined to Protestants.

The Marquess of *Normanby* said, his noble Friend assumed, that this conspiracy was confined to Catholics. He doubted whether it was; but if it were, why was it? because seven-eighths of the whole population, and a still larger portion of the lower orders, were Catholics. When it appeared by the evidence that the Catholic priesthood did all they could to discourage these societies, it was not fair to say, that Catholics, as Catholics, should be viewed with suspicion when they came to the jury box. If his information were true, the Crown Solicitor did not do his duty when he set aside a person at the head of agrarian outrages, who was known to his neighbours as a respectable man, and who had before acted on juries.

Lord *Wharncliffe* denied that the noble Marquess had produced anything to falsify Mr. Hamilton's statement. In a dispute which had existed, this very person had collected the mobs. In reference to the Ribbon societies, it appeared from the Report of the Committee, that they were almost exclusively confined to Catholics —he doubted whether they were not entirely.

THE FACTORIES BILL.] The House resolved itself into a Committee of the whole House on the Factories Bill.

On Clause 9,

Lord *Teynham* said, there was no provision in the Bill requiring the inspection of children at stated periods, and rendering it imperative to exclude from work any child who was found to be injured by the work or confinement of Factories. He thought this an omission. The objections of many persons to the Twelve Hours Clause would be done away with, and many heartburnings on this question would be put an end to if such a provision were introduced into the Bill, and a provision requiring that no child should be reintroduced into a Factory until a certificate from a surgeon had been obtained that it was recovered, and that the labour would not injure it. He would not propose any Amendment, but threw this out as a suggestion.

Lord *Wharncliffe* thought that sufficient protection was afforded already by the certificate required by the Act.

Clause agreed to.

On Clause 18,

Lord *Brougham* said, he had not seen much in the Bill to excite his admiration and respect for it; but this Clause was the height of absurdity. It was a Bill to protect people from the consequences of their own improvidence—to give increased wages for lessened work—to interfere in the market of labour. The present Clause related to the cleansing of factories. Distinguished foreigners visiting this country might be induced to ask, when they saw our factories—huge unsightly buildings—if they were remnants of the feudal ages —specimens of the architecture of the eighth or ninth century? The answer would be, "Oh, no; of the nineteenth century, and towards the middle thereof." In their interference with this question, their meddling and dabbling, they had exceeded themselves; for about the middle of the 18th Clause he found it provided,

"That all the inside walls, ceilings or tops of rooms, whether plastered or not, and all the

passages and staircases of every factory, which shall not have been painted with oil once at least in seven years, shall be limewashed once at least within every successive period of fourteen months, to date from the period when last whitewashed; and all the inside walls and ceilings or tops of rooms in which children or young persons are employed (meaning thereby women of sixty or seventy years of age—interesting young persons) and which are painted with oil, shall be washed with hot water and soap."

It did not say (and he marvelled at it) of what temperature. It should not be less than 212 of Fahrenheit, or 100 of Raumer; and this hot water and soap was to be applied "once at least within every successive period of fourteen months, as aforesaid." He hardly knew what age of the world he was living in. He hoped the House would not overlook altogether the comfort of the peasantry, and he hoped to see a Bill brought in, enacting that all the inside walls or tops of cottages, whether plastered or not, and all the passages and staircases of cottages which had a staircase, should be limewashed once in fourteen months, and that all the chinks and crannies through which any wind, hail, snow, or sleet could pass, should be barred up with straw or clay, or otherwise, and that this should be covered with a little plaster, not exceeding so much to keep out the weather; and with a preamble stating, that "whereas it was unwholesome for young persons to be exposed to night air (not merely young persons of seventy), and that it was desirable that there should be a special provision against damp beds and damp clothes, to be made dry and comfortable at the expense of their employers; and, above all, that no pigstyes should be allowed to be near their dwellings, or any dunghills near where they slept, for nothing could be more unwholesome,"—cow-houses might be permitted where pulmonary complaints existed, for they were thought in some cases wholesome; and for greater accuracy he would state in what cases cow-houses might be allowed, and where not—all these were matters of detail. His object was to show how absurd was this kind of legislation. It was impossible they could enter into all these details. Then there was a provision for preventing the escape of steam into any room occupied by workmen. "Really," continued the noble and learned Lord, "really, my Lords, I feel that this is great nonsense." The noble Lord threw the Bill on the Table, and sat down.

Lord *Wharncliffe* said, it was necessary to lay down regulations for the protection of persons working in Factories, and this was the whole object of the Clause. It was merely following out the Act which now existed.

The Clause was then agreed to.

On Clause 29,

Earl *Fitzwilliam* said it was singular that everybody was in favour of this Bill—the Whigs, the Tories, and the political economists. ["No!"] Oh! many political economists in the other House of Parliament had come forward to support the Bill, for one or two of whom he had the greatest regard; and not only had they taken the Bill under their protection, but they were not satisfied with it, and wished to carry it a little further. There was much, he must be allowed to say, in the present Bill which occasioned in his mind no small surprise. He could not, for the life of him, understand upon what grounds the Bill was limited to this particular species of labour. He wanted to know why the Bill should comprehend the particular classes of children which were made the subject of its care? He desired to be informed why the Bill did not go a little further? Why did not the framers of the measure take better care of the moral character of other classes of the community—why were all others thrown overboard? He observed that this measure in its passage through the other House had enjoyed the support and patronage of the landed interest. They appeared to take the Bill quite under their protection. Now, he could not help lamenting that those Gentlemen did not extend their protection to that portion of the working classes who were more immediately connected with them. He knew that it might be said that those mines and factories were dismal places in which to shut up poor human beings; but, from his own experience, he was enabled to say that the temperature in these mines was surprisingly equable and agreeable, and when they talked of the bad air in which factory children were confined, he begged to remind their Lordships that the air in the old House of Commons was much worse than that of any factory. If the condition of working children so very urgently needed protection, he wanted to know why they did not extend the Bill to agricultural labourers? How much worse off than a child in a mine or a factory was the unfortunate

child planted in an open tilled field to scare off birds or trespassers! He had often seen children—under the age to which the Bill gave protection—stationed in fields, exposed to all sorts of weather, and asking passers-by the hour of the day, earnestly hoping for that which should emancipate them from their painful and laborious posts. He wondered, then, that nothing was to be done for the agricultural labourers. The gentlemen of landed property were ready enough to give what they called protection to the farmer, on a question totally different from the present, but in the present case they overlooked altogether the necessity of protection. For his part, he felt bound to object to this species of interference. He saw no reason why the Legislature should meddle with the right which every man possessed to do as he thought proper with his own industry:—it was a monstrous misapplication of benevolence thus to interfere with the only property which the poor man had. He not only complained of the interference, but he complained of the manner in which that interference took place—the interference was one-sided, it was one-eyed, it was an unjust limitation of the productive powers of the country; and he desired their Lordships to recollect that the strikes amongst the pitmen of the north were encouraged, if not produced from this species of unjust and unequal legislation.

The Marquess of *Normanby* denied that this Bill was, as had been represented, a retrogression. It was nothing of the sort. He admitted that the agricultural classes underwent some hardships, but which of the working classes escaped hardship, and their toils were light and pleasing compared with the sufferings endured by factory children. The agricultural classes enjoyed many more domestic comforts, and the duration of life was much greater amongst them, even in the county of Dorset, than in the manufacturing districts. In those districts only 1,068 persons out of every 10,000 attained the age of fifty; whereas, in Dorsetshire, 1,556 out of every 10,000 attained that age; in Rutlandshire, 1,608; and in the North Riding of Yorkshire, 1,699; and in the county of Westmoreland, the difference was as nine to seventeen under one year of age, and over fifty still greater. His noble Friend inquired why they did not interfere for the benefit of the agricultural classes; to that it was only necessary to reply that the course of nature sufficiently protected them. As to saying that the whole profit of the manufacturer depended upon the last two hours—that was said in 1816, when the late Sir Robert Peel obtained a Committee of the House of Commons, and when the proposition was to reduce the working hours from sixteen to fourteen. At all times it would be necessarily believed and said, that the whole profit depended upon the last two hours. Now recent facts clearly showed that for apprehensions of this kind there was no solid foundation, for manufactures had flourished under these shortened hours of labour, and one, that of cotton twist, had increased 1,300 per cent.

The Bishop of *Ripon*, expressed, on behalf of the hundreds of thousands of factory children committed to spiritual care, at the limitation about to be imposed on factory labour, begged to state, that he believed the changes proposed to be carried into effect by the Bill now before their Lordships would give very general satisfaction. He was glad to observe the limitations of labour fixed by this Bill, but he could not help regretting that that limitation was not carried further.

The Earl of *Winchilsea* said, he deeply regretted limitation of labour had not been extended to ten hours. He admitted that the Bill was a great improvement upon the existing state of the law. Formerly, persons had been compelled to work for sixteen hours; but still he deeply regretted that the limitation was not to ten hours.

Clause agreed to, as were the 30th and 31st.

On the 32d Clause, which enacts that no female above eighteen years of age shall be employed in any factory save for the same time and in the same manner as young persons,

Lord *Kinnaird* moved that this Clause be struck out of the Bill, as the effect of it would be to sanction an improper improper interference with labour. He thought that this Clause was of so much importance that he should divide the House upon it.

Lord *Campbell* opposed the restriction on adult labour.

Lord *Wharncliffe* thought that this was the most material Clause in the Bill, there existed a strong feeling in the country against the excessive employment of females, and he thought it would be well if female labour could be altogether dispensed

with, so that females could turn their entire attention to domestic matters. But as circumstances did not permit this, the Bill proposed to place some restriction on their excessive toil.

Lord *Brougham* agreed with his noble Friend (Lord Kinnaird) that the Clause ought not to be in the Bill. He contended that the support which it had received from some of the labouring classes was owing to their ignorance of its effects, many believing that it would secure to them twelve hours' wages for ten hours' work. This misapprehension, however, was disappearing in the manufacturing districts, and the change of sentiment was travelling southward. He did not see why, if the Legislature limited the labour of women in factories, they should not interfere on behalf of washerwomen, who began at five o'clock in the morning and left off at eleven o'clock at night; and also with wetnurses. And the health of the last class was of much importance, as they suckled the children of both Houses of Parliament, with the exception of, perhaps, one per cent. When any complaint was made of the over-working of these and [other classes it was said, "Oh, let them take care of themselves;" and why should not women in factories be allowed to take care of themselves? He repeated, that the labourers in the factories would be the first to feel and complain of the ill effects of this Bill.

The Marquess of *Normanby* said, it was his intention to vote against the Motion of his noble Friend (Lord Kinnaird). But still he contended that more time should be allowed to women in factories to fulfil their domestic duties and to acquire education. It appeared from the returns that the proportion of women who could not write in the counties of Lancaster and Dorset, was nearly two to one against the former. The effect of labour in manufactories was shown by the fact that regiments raised there did not last half so long as those raised in agricultural counties. Recruits from the former were often rejected on account of unfitness. He would vote in favour of the amendment of his noble Friend.

Lord *Campbell* said, he thought the Clause an unnecessary and mischievous interference with female labour, and he would vote for the Amendment of the noble Lord (Lord Kinnaird). By the decree of Providence it was the fate of women as well as men to earn their bread by the sweat of their brow; and he believed that labour in factories was better adapted to the female frame than many other descriptions of work. At the same time he considered, twelve hours a-day a sufficient period for female labour.

Lord *Brougham* said, as the question had been put upon a moral ground by a noble Lord opposite, and by a right Rev. Prelate whom he did not then see in his place, and who no doubt, was much better engaged, he begged to call their Lordships' attention to a return showing the comparative number of illegitimate children born in the manufacturing and agricultural districts. (The noble and learned Lord read the return at length, from which it appeared that the number of illegitimate children in the agricultural districts considerably exceeded that in the manufacturing districts.)

The Rarl of *Winchilsea* said, that in the manufacturing districts a great number of children were born out of wedlock, who were supposed to be legitimate from the fact of the parents living together, and representing themselves as married. Of these children no account was taken in the returns quoted by the noble and learned Lord.

Lord *Redesdale* said, that the return read by the noble and learned Lord referred not to the number of illegitimate children actually born, but to the number relieved from the Poor Rates.

The Committee divided on the question that the Clause stand part of the Bill.—Contents 48; Not Contents 21:—Majority 27.

List of the NOT-CONTENTS.

MARQUESS.	Teynham
Lansdowne	Gardner
EARLS.	Ponsonby
Lovelace	Monteagle
Auckland	Somerville
Radnor	Campbell
Fitzwilliam	Brougham
Fitzhardinge	Sudeley
Morley	Lurgan
Minto	Foley
LORDS.	Beaumont
Colbourne	Rossie

The other Clauses of the Bill agreed to, and the House resumed.

House adjourned.

HOUSE OF COMMONS,

Friday, May 31, 1844.

MINUTES.] NEW MEMBER SWORN. — For Kilmarnock, the Hon. Edward Pleydell Bouverie.

BILLS. *Public.*—2°· Limitation of Actions (Ireland).

Reported.—Slave Trade Treaties; Vinegar and Glass Duties.

3°· and passed:—Courts Martial (East Indies).

Private.—2°· Marquess of Ailsa's Estate.

Reported.—Epsom and South Western Railway, and Croydon and Epsom Railway.

PETITIONS PRESENTED. By many hon. Members (148 Petitions), against Dissenters Chapels Bill, and 13 in favour of same.—By several hon. Members (4), for Alteration of Ecclesiastical Courts Bill.—By Viscount Bernard, from Schull, against Education System (Ireland). — By Mr. S. Davies, from Cardiganshire (2), against Union of Sees of St. Asaph and Bangor. — By Mr. Christie, from Leeds, for Inquiry into Universities.—By Mr. Hume, from Agricultural Society of India, for Admission of Indian Wheat.—By Sir John Yarde Buller (16), from Devon, by Lord Rendlesham (13), from Suffolk, and by Mr. W. Wynn (1), from Montgomery, against Repeal of Corn Laws.—By Mr. Langston, from Oxon, for Repeal of Duty on Hailstorm Insurances.—By Mr. Du Pre, from Chesham, for relieving Licensed Victuallers from Window Tax.—By Colonel Rushbrooke, from Suffolk (2), for Alteration of Law of Arson.—By Mr. Hume, from 2 persons, for Alteration of Law of Blasphemy.—By the same, from T. Sturgis, against Commons Inclosure Bill.—By Captain Beresford, from Harwwich, in favour of County Courts Bill.—By Mr. Broadley, from Bridlington Quay, for Liquidation of Danish Claims.—By Mr. Langston, from Oxford, against Poor Law Amendment Bill.—By Mr. Loch, from Cromarty, against Prisons (Scotland) Bill.—By Sir C. Lemon, from Falmouth, for Rating Owners of Tenements. — By Mr. G. Hamilton, from Kingstown, for a Small Debts Bill.

ECCLESIASTICAL COURTS.] On the question, that the House resolve itself into a Committee on the Ecclesiastical Courts Bill,

Mr. *T. Duncombe* rose to move an instruction to the Committee to abolish all Ecclesiastical Courts, and to transfer the jurisdiction of those Courts to civil tribunals. Although the notice which he had given was sufficiently explicit, yet he thought it right, in order to avoid all misapprehension on the subject, to say that his object was, if possible, to induce the House to agree that all the temporal affairs of the people of this country should be taken entirely out of ecclesiastical jurisdiction—that the liberties and property of the people of this country should no longer be at the caprice, and be treated according to the prejudices, of the Ecclesiastical Courts. To effect this, there could be no doubt that the whole of Doctors' Commons must be swept away—that the whole of the Ecclesiastical abominations which were a disgrace to the country, must also be swept away, and in their place he proposed that other tribunals should be erected, and that those presiding over them should abolish the mummeries, the mystifications, and the spiritual impositions, which he would maintain, were at present not only a disgrace to this country, but were prejudicial to the property and liberty of the people, and he believed, the best interests of religion. He did not believe, it would be hereafter credited, that 658 gentlemen, calling themselves reasonable and sane men, should be occupied at this time of day in endeavouring to bolster up these Courts, which were the foundation, as he should endeavour to prove, of a practice that was inconsistent with common sense and reason. Before he proceeded any further—not that he supposed much alarm would be created in Doctors Commons at the present moment, for he believed that was almost the first time that the question had been so clearly propounded in Parliament as to do away with all Ecclesiastical Courts; but to avoid all alarm in the minds of the Gentlemen who infested Doctors' Commons and elsewhere, he would beg leave to declare, if he was asked what he meant to do with all these doctors and proctors, with Sir Herbert Jenner Fust at their head, that he would give them all the compensation which they could prove themselves entitled to. He thought that the best course, if the House would get rid of those nuisances, for they were nothing else, altogether. If they looked back for the last ten or twelve years they would find from the expectations excited, that this Bill was calculated to create the greatest disappointment throughout the country. It was well known that a Commission was appointed by the right hon. Baronet opposite in the year 1829, to inquire into the nature and jurisdiction of the Ecclesiastical Courts, and it made a Report in 1832. Shortly afterwards a Bill founded on it was submitted to Parliament, which was afterwards abandoned: and since that time several other Bills had been laid before the House and not proceeded with. They were attended with this remarkable circumstance, that all the Bills introduced into Parliament, whether by Whigs or Tories on this subject had been proceeding from bad to worse, until they arrived at the *ne plus ultra*. What could they ever expect in attempting to amend these Courts? Indeed, he believed, that the learned civilian himself would at last be obliged to get rid of them as the materials which he had to deal with were so bad that he could not go on mending them; but

that, like the tinker perplexed, he would find when he attempted to mend one hole he made two others. The present Bill did not attempt to carry out one-tenth of the recommendations of the Commissioners. These Courts, as he had before stated, were founded in corruption, and, therefore, the people had a right to complain of the very limited extent to which this Bill went. They had a right to complain that the jurisdiction of these Courts in a great variety of cases wa not taken away by this Bill. It certainly was taken away in questions of tithes defamation and smiting in a churchyard. Certainly it was quite time to get rid of the latter, for how did the House think that these Courts were empowered to punish an offender in this respect? A man smiting another in a churchyard rendered himself liable to the loss of one of his ears, and if he should happen to have no ear, he was to be branded on the cheek with the letter F. One of the alterations proposed in the Bill, was to get rid of the jurisdiction of the Ecclesiastical Courts in such cases. He was not going into the question of the testamentary or matrimonial jurisdiction of these Courts, which it was proposed to maintain; but he would only observe that the Commissioners recommended that the jurisdiction of the Courts in both these particulars should be abolished. But that the *salus animæ*, or the health of the souls of Her Majesty's subjects might not be altogether neglected, they retained cognizance, and were enabled to punish criminally under this Bill in cases of simony, heresy, brawling, blasphemy, perjury, drunkenness, incest, adultry, fornication, incontinence, and other evil habits. The jurisdiction of these Courts in cases of Church-rates was also to be continued. Why did they continue Church-rates? Had the right hon. and learned Gentleman heard what the Ecclesiastical Commissioners recommended? They recommended that the jurisdiction of these Courts should be abolished in such cases, or rather that they should be taken out of the jurisdiction of these Courts. The Commissioners said, "The whole subject of Church-rates demands immediate attention, from the mischiefs arising from the present state of the law are rapidly spreading." He wished to know whether what had recently occurred with regard to these Courts was calculated to lead to their obtaining public confidence? There had been cases recently reversed by the Civil Courts on appeal from the decisions of the Ecclesiastical Courts in questions of Church-rates. There were three decisions on this question, which had been made rather prominent, namely, the Braintree case, the Norwich case, and the very recent case of the appeal of Mr. Higgot, the shoemaker, of Romford, with respect to which the hon. and learned Member for Bath, who was counsel in the case, would be enabled to give the House some information. But he wished to know why the jurisdiction of the Ecclesiastical Courts in cases of Church-rates should be continued? He could conceive no other reason why this should be kept up, than that it occasionally promoted brawling, and thus brought grist to the mill of the lawyers of Doctors' Commons. He would mention a recent case of brawling which had occurred from this cause. The Rev. Theodore Williams, the vicar of Hendon, proceeded against Mr. James Hall, a parishioner, for brawling at a vestry meeting, held for the purpose of making a Church-rate. Let the House look at the iniquitous transactions which grew out of these proceedings, and he would show this by the conduct of the vicar himself. He would venture to say, that there never was worse conduct manifested on the part of that person, and there never was a more absurd decision given by a Judge, than was given in that case by Dr. Lushington. Mr. James Hall was cited before the Court, by the Rev. Theodore Williams. There was a meeting of the vestry, at which a motion was made for a Church-rate, to which an amendment had been proposed, that the consideration of the matter be adjourned. This amendment was carried, and the vestry was about to adjourn, when Mr. Williams, who had been expected to be present, but who was behind time, entered the room and took the chair, and was very angry. Words ensued between Mr. Hall and the vicar, when the latter said that Mr. Hall was mistaken if he thought that he held any place in his estimation. To this Mr. Hall replied, "You are anything but a gentleman; your conduct is disgraceful to a clergyman; and you are a disgrace to your cloth." Mr. Williams, at the same meeting, had a quarrel with another parishioner. The case was this:—Because Mr. Farlar, in addressing the meeting, made use of the word Hendon, and in the pronunciation

thereof did not aspirate the H, sounding it "Endon," instead of Hendon, the vicar observed, in a sneering manner, "I beg pardon—I beg pardon—there is an H in Hendon; to which Mr. Farlar replied, that he did not receive his education at the public expense." And for this he was proceeded against for brawling, by Mr. Williams. After being exposed to litigation in the Consistory Court, and after the learned Judge had partially acquitted Mr. Williams of blame, on the ground that he was aggravated to make an attack upon Mr. Farlar, in consequence of his not showing proper respect, judgment was given. Dr. Lushington, in giving judgment, was made to speak as follows:

"I am under the necessity, therefore, of saying, that I am of opinion that the charge against Mr. Hall is proved by evidence, and then I come to this question—the question whether Mr. Hall has any extenuating circumstances in the case which ought to induce me to withhold what otherwise would be the necessary sentence of the law—a condemnation of Mr. Hall in the whole of the costs. I greatly regret that the proceedings have gone to the length which they have done, but at the same time I do not know that blame is to be attributed to any person in consequence of the length of the proceedings, because if Mr. Hall believed that he had not made use of the expressions, it was not unnatural that he should attempt to defend himself; and, also, if anything was said on the part of Mr. Williams which gave him just provocation, he had undoubtedly a right in his own defence to plead that matter. Now the expression—and I shall be glad if the Council will correct me if I am in error—the expression is as nearly as possible this, upon which it is relied as extenuating Mr. Hall's conduct, 'If you think you hold any place in my estimation you are very much mistaken." These are the words, and that, so far as I can recollect, is the sole ground upon which Mr. Hall rests for his justification—so far as the words were addressed to himself. Now I am first to look to see whether these words are proved as stated, and I am of opinion that they are proved as named by Mr. Hall. I see no reason to doubt it, looking at the evidence on both sides. And if these words are proved, the next question is, whether they are of that tenor and meaning as would produce the effect contended for on behalf of Mr. Hall. Now here arises a considerable difficulty in this case—the time and the circumstances under which these words were spoken. I am utterly unable from a perusal of this evidence, to fix the time and circumstances accurately. It is argued on the one side that these words probably followed an expression which had been used by Mr. Hall, which was very disparaging to the past officers of the parish of Hendon. But I cannot say that I see that there is any necessary connexion between them. I must, therefore, say, that in my judgment these were words of provocation. What are words of provocation? Words denoting contempt. And what so much excites irritated feeling as expressions of contempt for an individual? There are many persons who would submit with infinitely greater patience to words reflecting on their character. At the same time they could not, and it is not to be expected of human nature, submit with perfect patience and entire self-control to expressions denoting individual contempt. Now I think that Mr. Williams has used these words, and I think that I am bound to consider these words in pronouncing the judgment I am about to give, and the judgment I must pronounce is this, 'that Mr. Hall is to be suspended from entering the Church for the space of one week, and I condemn him in the whole of the costs, save and except 30*l.*, which 30*l.* I direct to be deducted."

What was the result? Why 30*l.* was to be deducted from the costs of the rev. vicar, because he had said, "If you think that you hold any place in my estimation, you are very much mistaken." This was a specimen of one of the courts which it was proposed to maintain under this Bill. The House would be surprised to hear what the costs were in this case. He found from a copy of the bill of costs annexed to the report of the case, that Mr. Hale's costs amounted to 185*l.*—not less than 185*l.* under this infamous state of the law, or what might be properly called nothing but robbery. There was the same amount of costs, also, in the case of Farlar. This was a state of things which arose out of the conduct of this minister of the gospel and magistrate for Middlesex. There was another case, in which a man of the name of Goodyear was cited by this vicar before this court, and in which he had to pay between 80*l.* and 90*l.* costs. By looking into such cases as these, a little insight might be got into the working of the Ecclesiastical Courts. Among the items of this bill of costs was a charge for attending and settling his viatics, and another one of paid his viatics. This was a charge in these Christian courts, established for the health of souls, and this was a charge to promote the souls' health. [*Laughter.*] Gentlemen might laugh, but they would find the item stated, and the courts described as being *pro salute animæ*. He supposed that this was something for the departed soul to take with it in its travels to the other

world—a sort of *viaticum,* he supposed. ["No, no."] Yes, he replied, because he found that this was for the expiation of the soul originally, but it had been transferred from the soul to the stomach, and Peter had been robbed to pay Paul, or rather to pay Theodore. Nobody could tell the absurdity of these proceedings who had not looked into such cases as these. Well, what was the next charge? He did not know very well what the word meant—it was "*sportulage,*" 3*s.* 6*d.* He really could not throw any light on the subject, unless indeed it was an alms or dole to the Bishop's basket. The right hon. and learned Gentleman, however, would probably tell them what was the benefit of these charges, as he was one of the vicars-general. He would, no doubt, show what "sportulage" was, and whether it was advantageous to the vicar, or the court, or the suitors. He would not ask the right hon. Gentleman (the Secretary for the Home Department) the reason of them, for there was no reason in them, and he would not insult the right hon. Gentleman by asking him to find a reason. He must come now to the judgment, and he must say, that he never read so absurd a judgment in his life. The judgment was, that Mr. James Hall should be suspended or excommunicated from entering the parish church for one week of seven days. The judge said that the words used by the Rev. Theodore Williams were words of contempt, and that Mr. Hale spoke under provocation when he said that Mr. Williams was a disgrace to his cloth, and he would therefore order that 30*l.* should be deducted from the costs; but even after this deduction, Mr. Hale's costs amounted to 185*l.* But what was the punishment upon Mr. Hale, besides the payment of his money? He was to be shut out for seven days from the parish church, into which he would never enter if he had a spark of spirit. Now, let them look to the class of offences to which the jurisdiction of these courts extended—blasphemy, heresy, adultery, drunkenness, idolatry, fornication, incontinence, and other evil practices, for all of which any of you may be liable to be cited before any of the Ecclesiastical Courts, and even before the right hon. and learned Gentleman himself, and for any of them they might be called upon to do public penance for the good of their soul, and that in any place that the judge might appoint. In case of some of these offences they would be called upon to do public penance in the church, and to recant. Yes, they would be obliged to recant, as well as to perform penance publicly in the parish church. This was not an imaginary state of things, for in the district which he had the honour to represent, a recent case—that was not more than two or three years ago—had occurred, which was brought before the Bishops' Court of the diocese of London. He had been informed of the case, and he had requested some information from one of the parish officers of St. John's on this subject, and by whom he had been informed that a case of penance had occurred in that parish, in consequence of one sister having imputed a want of chastity to another. He would read the communication which he had received on the subject:—

"*Clerkenwell,* July, 1843.

Dear Sir—The following scene, a relic of the dark ages, was actually, and to the great scandal of religion, performed in the parish church of St. John's, Clerkenwell, in the year of our Lord 1840; Rebecca Cohens, a Jewess, having imputed to Deborah, her sister, a total want of chastity, process was commenced in the Spiritual Court of the Bishop of London, and after some 70*l.* was ran up in fees, Rebecca was allowed to expiate her offence hy going to the church in service hours, and then and there, before the churchwardens, overseers and minister, recant, which was done by her repeating after the minister a long rigmarole, after which a certificate of recantation was signed by the churchwardens, and returned to the office of the Bishop of London.

"Observe, the recantation was a fraud, because, instead of its being done publicly in the church as ordered, the parties were let in and out of the vestry at a private door, and hundreds of persons who had heard that this ceremony for the good of Rebecca's soul was to take place, were choused out of the entertainment they expected.

"I am, dear Sir, yours very faithfully,

"T. S. Duncombe, Esq. M.P."

Such were the proceedings, *pro salute animæ,* Rebecca. Well might the parochial authorities and the Ecclesiastial Courts be ashamed of such a proceeding; but that House ought to be more ashamed if it continued its sanction of courts from which emanated such an amount of absurdity. What a hardship was it upon the subject that this individual had to pay 70*l.* for this process. Now, with regard to the brawling, what had happened to Mr. Theodore Williams within the last

few days? He had been brought before the bench of Middlesex magistrates, at the Edgware sessions, for inciting to a breach of the peace one of his own parishioners, a respectable freeholder. He certainly did not do this in the churchyard, but on the public highway, and proceeded to excite a breach of the peace, by telling him that he dare not fight. The House would recollect the language used by Hall to Williams; let them now compare it with that used by Williams to Mr. Smith. It appeared that the vicar had cast some imputation on the veracity of the plaintiff's son, and complainant replied, "My son's word is as good as your son's any day in the week;" and Mr. Williams then exclaimed, "Walk out of my place, sir." Complainant walked out, and defendant followed, and slammed the gate; but immediately opened it again, and coming out of the highway, said to complainant, "You are a thick-headed fellow." He then came forward and said, shaking his fist near complainant's face, "You are a dirty fellow, you are a shabby fellow, you are a coward." He then followed complainant along the path, and added, "You dare not fight, you make an excuse of your policy—fellow, it is forfeited." Complainant replied to this, "If I am a coward, I will meet you on any spot you please," when defendant interrupted him by saying, menacingly, "What, what, what?" And complainant then continued to finish the sentence—"to discuss the question, Sir." Now he (Mr. Duncombe) should like to know how the right hon. Secretary for the Home Department meant to deal with this reverend magistrate. Did he intend to let him continue to disgrace the bench of magistrates of Middlesex? And this was the man who had cited Hall, and Farlar, and Goodyear, for using language not one-tenth as strong that which he had used, but for which he was sued under the Police Act, and had inflicted upon him the full amount of the fine. At the conclusion of the report of the case, it is stated that Major Abbs addressed the reverend defendant, and said the majority of the magistrates being satisfied that the case is proved against you, they fine you in the penalty of 40*s.* with costs. So that, in point of fact, there was one law in the police or civil courts, and another in the Ecclesiastical Courts—that in the one case 40*s.* was the highest fine that could be inflicted, while in the other 185*l.* costs, and seven days banishment from church would be imposed. But were all these offences allowed to remain in the Statute Book? He had another very high authority to refer to on the subject. He had the authority of a right Rev. Prelate in favour of his views. A Bill had been introduced into the other House of Parliament by the Bishop of Exeter for the purpose of putting down incontinency, fornication, and all those other evil habits, proving that these Ecclesiastical Courts had neglected their duty, and were not adequate to suppress the immorality of the age. If the state of morality was such as was described in that Bill, he confessed that he had not been aware of it; but the Bishop might have much better opportunities of ascertaining the facts of the case, and of arriving at the truth than himself; but he confessed that he did not believe that so much immorality existed as was described in the 5th Clause and the preamble of the Bill. The hon. Member was proceeding to read an extract from the Bill, when

The *Speaker*: The hon. Member cannot quote from the Bill in question, as it is not before the House.

Mr. *T. Duncombe*: After what had taken place that evening he supposed that there was little probability of its coming down to that House. He could, however, refer to the subject, and he found that the Bishop, after describing the shocking state of immorality in the metropolis and other large towns, proposed a Clause to the effect which he would presently describe, and he would venture to say that such a state of things as was assumed no man at York or Exeter would believe. The Clause enacted, that if any parent or step parent, or uncle or aunt, or guardian or trustee, or other person having the care of any young person, should promote or permit, or connive at the seduction or the committal of fornication with such person's daughter, niece, or ward, or any husband permitting, promoting, or conniving at the commission of adultery with his wife, shall, on conviction, be liable to the punishment of transportation. What must be the state of society in this country, if the inference from such an enactment was true—namely, that parents would sell their daughters, and husbands their wives, for the purposes of fornication and adultery? If such was the state of society, how much had

the Ecclesiastical Courts attended to their duty? Why did not the Diocesan Court of the Bishop of London, as well as the other Diocesan Courts, call for more stringent laws, or even exercise the authority which they possessed? He could not believe that there was such a state of immorality, as nothing of the kind had occurred. For his own part, he believed that the Bishops and their Ecclesiastical Courts would have quite enough to do if they confined their jurisdiction to the maintenance of the discipline of their own clergy. They could not take up a country newspaper without seeing some paragraph headed after this fashion, "Another Clerical Miscreant." One day they find a charge brought against a clergyman of having seduced the daughter of one of his parishioners—another day a charge is brought against a clergyman of having, from a feeling of malice, hamstrung some sheep belonging to a neighbour—in another they would find a charge brought against a clergyman of shooting some pigs, and they might meet with other charges of too horrid a nature to mention them. It would be well, then, if the Ecclesiastical Courts would confine themselves to preserve the good conduct of the clerical body, and not interfere with other matters. It was said, that the present Civil Courts were at present so much engaged, that they could not take up the bnsiness of the Ecclesiastical Courts. If this were the case, let another Civil Court be established; but he did not believe that anything of the kind was wanted. The Real Property Commissioners recommended, that the jurisdiction in testamentary cases should be transferred from these Courts to the Court of Chancery. He could not see why the Court of Assize was not competent to decide on all those criminal and civil questions, which were now usually brought before the Ecclesiastical Courts. He would urge hon. Members to look to a Return lately laid before the House, relative to the advocates practising in the provincial Ecclesiastical Court at York. This paper was signed by Mr. Egerton Harcourt, the registrar of this Court, and it stated that the only two advocates in that Court practised as counsel at the Common Law Bar, and attending the Assizes and Sessions. But mark what it proceeded to state:—

"In addition to the two advocates named, there are (including the Recorder of York) four other counsel resident at York, but no application for admission into the Ecclesiastical Courts of the Province had been made by them, probably in consequence of their doubts as to the intention of the Legislature respecting these Courts. The admitted advocates of these Courts have exclusive right to practise therein, though in cases of weight and difficulty counsel on the Northern Circuit are occasionally taken in to give their assistance."

Such, then, was the state of the Bar of this Court, that whenever there was a case of weight the parties were obliged to resort to counsel at the Common Law Bar. He was satisfied that the country would willingly support the House if it should appear necessary to establish another Court to have the jurisdiction of cases now decided on by the Ecclesiastical Courts. He was convinced that the utmost satisfaction would be manifested if the Government would get rid of the Ecclesiastical Courts, and transfer their jurisdiction to some tribunals founded on principles of common sense and justice. This was not merely his opinion, but it had been expressed by all the highest legal authorities in the country, from Holt and Hale to the most learned Judges of the present time, one and all of whom denounced the existence of Ecclesiastical Courts as repugnant to the liberties of mankind. All that he asked was, that the House would act upon the principles urged by the eminent authorities to which he had just referred. He confessed that he was not very sanguine as to the result of his Motion, for he knew that that House was ready to support any abuse and corruption sanctioned by the Minister of the Crown. But this he did believe, that the first administration which had the courage to abolish these Courts, and to manifest a sense of justice of getting rid of these abominations, would be entitled to the gratitude of all succeeding generations. The hon. Gentleman concluded by moving, that it be an instruction to the Committee to abolish all Ecclesiastical Courts, and to transfer the jurisdiction of those Courts to civil tribunals.

Mr. *Hume*, in seconding the Motion, observed that it had been recommended, on the highest authority, thirteen years ago, that these Courts should be swept away. They had been got rid of at that time in Scotland, and the whole business of the Consistorial and Admiralty Courts had been transferred to the civil tribunals of the country, and not the slightest in-

convenience had been experienced in consequence.

Dr. *Nicholl* said it appeared to him that the speech of the hon. Member for Finsbury would have been better addressed to the House when it was called upon to consider the principle of the Bill on the second reading, instead of making this Motion on going into Committee. The House, in fact, by its division on the second reading of the Bill, had entirely disposed of the suggestion of the hon. Member, for the Bill was not merely to consolidate, but to improve the practice of these courts; it was, therefore, quite clear that the principle which the House affirmed on the second reading was involved in this Motion, viz., the retention for some purposes, at least, of the Ecclesiastical Courts; but the hon. Member did not propose to take away a portion of the business of these Courts, but to sweep away the jurisdiction altogether. In answer, then, to the hon. Member's proposition, it was not necessary to prove that the whole of the present jurisdiction of the Ecclesiastical Courts should be preserved to them; it was enough to show that it was essential that a part of it should be retained. The hon. Member himself, indeed, established that his Motion ought to be rejected, for towards the close of his speech he recommended that the Diocesan Courts should be preserved for the purpose of maintaining the discipline of the clergy, and for that purpose it was obvious that they were quite necessary. The Court of Arches and the Provincial Court at York were the courts of appeal in all such cases. These several Courts, then, were necessary to maintain the discipline of the Church, so far as the clergy were concerned, and were an integral part of the Church Establishment, but they were not merely necessary for carrying on proceedings for the correction of clerks, but for the maintenance of the authority and discipline of the Church over its Members generally, lay and clerical. Every Church —every sect—must have such a power over all who claim to belong to it, or to partake of its ordinances; that power in an Established Church could only be exercised by tribunals recognised by the law of the land. Every sect—every body of persons associated together—must have the power of excluding from their society those they may deem unworthy of it, but the Law of England would not allow the Church of England to excommunicate any person without a sentence pronounced in due course of law, and, consequently, without Ecclesiastical Courts. The Church of England could not exclude from church membership and from holy ordinances the most notorious and profligate evil liver. It was not necessary at the present moment, and in answer to the hon. Member's Motion, to argue the importance of retaining the rest of the jurisdiction of these Courts; it was sufficiently shown—as he submitted he had shown—that they must be maintained for the purposes of Church discipline. Accordingly it would be found that the Diocesan and Provincial Courts were, in some shape or other, and to a greater or less extent, maintained by every former Bill. Lord Cottenham's Bill of 1836, for instance, retained them under the denomination of the Courts of the Vicars General. He did not stand there to defend the character of Mr. Williams, the vicar of Hendon, as he knew nothing about him; but from what appeared in the proceedings before the Consistory Court of London and before the magistrates, what, after all, did the hon. gentleman's statement, as affecting the character of Mr. Williams, or the Ecclesiastical Courts, amount to? That one litigious man might harass another litigious man, and that a large amount of costs might be run up in a very trumpery matter; but this might equally be the case in a Civil as in an Ecclesiastical Court. However, he believed that, in such cases, for the future, the jurisdiction of the Ecclesiastical Courts would be destroyed by the Bill which he had brought under the consideration of the House, for he understood that the brawling in that case took place in the vestry, and his Bill proposed to do away with the jurisdiction of the Ecclesiastical Courts over all cases of brawling which did not occur in the body of a church or chapel. [Mr. *Duncombe* —The brawling took place in church.] Surely, the hon. Member would not stand up in that House and maintain that the decency of the church was to be violated with impunity. The next case to which the hon. Member referred was that of "defamation." Why, the whole jurisdiction of the Ecclesiastical Courts in matters of defamation would be done away with by the Bill. The cases of the hon. Gentleman, therefore, were not at all applicable. The hon. Gentleman

had made a very amusing speech, and a very amusing attack upon a certain Bill said to have been prepared by a right rev. Prelate. Of that Bill he had never heard one single word until it was mentioned by the hon. Member. All he could say was, that certainly, as far as he understood the hon. Gentleman, the Bill was not one of which he should be tempted to take charge in that House. The hon. Gentleman had alluded to him, as being connected with these courts. He had been connected with them formerly, but he had ceased all connexion by practice with them ever since the year 1841, and he had now ceased to hold any office in them. He had no interest, either direct or indirect, in any of those courts. He undoubtedly felt desirous of maintaining, improving, and adding to the efficiency of these tribunals, more especially the Provincial Courts, where he believed justice was administered in a manner satisfactory and advantageous to the public. With reference to charges made against himself, he could assure the House, that he had never contemplated receiving, nor would he ever have accepted any, the slightest, advantage from any Bills which he had ever introduced into that House. The hon. Gentleman had said that certain Commissions which had sat upon this subject had recommended the transfer of a part of the business of these courts to the Court of Chancery. That, however, was not exactly the case. The Ecclesiastical Commissioners made their report in 1832, and recommended that the jurisdiction in testamentary matters should be retained to the Ecclesiastical Courts; and the Real-Property Commissioners recommended that it should be referred to the Court of Chancery. The matter was brought under the consideration of Earl Grey's Government, and a Select Committee was appointed to consider those two Reports. That Select Committee having investigated the whole question, and having examined witnesses of the highest competence to judge upon the subject, arrived at the conclusion that it was not desirable to act upon the Report of the Real Property Commissioners, but that it was advisable to adopt the recommendations of the Ecclesiastical Commissioners, with some modifications. Lord Grey's Government determined to propose to Parliament to retain the testamentary jurisdiction in the Civil Law Courts, and in 1834 a Bill was prepared under the superintendence of his right hon. Friend the present Secretary for the Home Department, retaining the testamentary jurisdiction in those courts. In the following year a Bill of the like purport was prepared under the directions of the right hon. Baronet now at the head of the Government, and subsequently a similar Bill was introduced by Lord Campbell, then Attorney-General. He did not think it necessary, however, to go further into the matter. The whole question had been already disposed of by the House, when it came by a large majority to the decision that the Bill should be read a second time. He trusted that the present Motion of the hon. Gentleman would be rejected by a majority equally large.

Sir *G. Grey* believed that the question had been substantially decided by the House, when the second reading was carried by a large majority. Being one of those who formed the minority, he might perhaps be excused for troubling the House with a few words. If he understood the right hon. Gentleman aright, the reasons which he gave for opposing the Motion of the hon. Member for Finsbury were, first, the necessity of retaining criminal jurisdiction to those Courts, on the ground that the Established Church, if those Courts were deprived of that power, would be deprived of a power possessed by every other body, of correcting offences committed against its established regulations. But the hon. Member for Finsbury, as he understood, did not propose to interfere with the Clergy Discipline Act, or to withdraw from the Ecclesiastical authorities their power over the clergy. The jurisdiction of the Ecclesiastical Courts applied to brawling, defamation, incest, adultery, and fornication. It was not expedient to keep up such a jurisdiction. With regard to defamation, as he understood the Bill, the jurisdiction of the Ecclesiastical Court was to be altogether abolished. With respect to incest, adultery, and fornication, he would call the attention of the House to the Report of the Ecclesiastical Commissioners—a Commission which was presided over by the Archbishop of Canterbury, and composed of men of great weight and authority. They said,—

"If our proposition for instituting a new tribunal for the correction of clerks be adopt-

ed, and the cognizance of disturbances in the church and churchyard be transferred to other Courts, very little would remain on which the criminal jurisdiction of the Ecclesiastical Courts would, according to the present state of the law, operate."

They further said,—

"It is competent to institute criminal proceedings for incest, adultery, and fornication; but in the Arches' Court and the Consistory of London, no such suit has been brought for a long series of years: in some of the country courts they have been very rare. It may be greatly doubted whether any beneficial effects have resulted from these proceedings, or at least so beneficial as to counterbalance the odium they had excited, and the oppression which, in some instances, has been occasioned. We think that the cognizance of such offences cannot be advantageously conferred on the provincial courts; and, on the whole, we are of opinion that these prosecutions should be abolished. Incest is, however, a species of offence of so aggravated a character, that some remedy ought to be substituted: and it appears to us that the correction of this grosser violation of morality and public decency might be, with propriety, transferred to the Courts of Common Law, the offence being made indictable as a misdemeanor, to be punished by fine and limited imprisonment."

It was clear, therefore, that the Commissioners considered it expedient to abolish that kind of jurisdiction, in order to remove the odium which had been excited. So far, then, as the removal of this criminal jurisdiction from these Courts was concerned, he was quite ready to support the instruction to the Committee. As to what the hon. and learned Gentleman had observed with reference to the several recommendations of the Real Property and the Admiralty Court Commissioners, on the subject of the transfer of testamentary jurisdiction to the Civil Courts, it certainly appeared to him that the opinions of the Real Property Commissioners, considering the character of these gentlemen, and their intimate acquaintance with the varied matter of their inquiries, were entitled to very great attention indeed. The objections which they stated to continuing the jurisdiction in testamentary matters in the hands of the Spiritual Courts were of very great weight, exhibiting most forcibly the extreme inconvenience of having two different Courts of Law acting on entirely different rules, applying entirely different principles to the consideration of the same instrument, and pointing out, in the most convincing manner, the very great evils arising from the conflicting decisions which of necessity must be come to, and the great public scandal which must inevitably be occasioned; and they stated, that all these evils might be obviated by a very simple remedy. If it should be necessary to transfer this business to other Courts, the facilities for the transfer had been greatly increased by the constitution of two new Courts of Equity, the business in which might not probably keep them fully occupied. On the present occasion they were offered the choice of either abolishing these courts altogether, or of continuing thirty-five Ecclesiastical Courts with new salaries and a new staff of officers, which might have the effect of perpetuating them. Under these circumstances, looking at the recommendations of the Ecclesiastical Commissioners for the abolition of the criminal jurisdiction, and looking at the circumstances in which they were now placed, owing to the altered character of the present Bill, he must say, that he could not vote against his hon. Friend, and must, therefore, support the Motion which his hon. Friend had submitted to the House.

The *Solicitor General* said, until the right hon. and learned Gentleman had addressed the House, he was not aware that it was intended to go to a division. He had listened with great attention and entertainment to the statement which had been made by the hon. Member for Finsbury to establish the proposition that the Ecclesiastical Courts ought to be swept away, and he must say he thought the reasoning of the hon. Member a little inconclusive. The hon. Member alluded to one peculiar portion of the ecclesiastical jurisdiction—namely, brawling and defamation. He did not stand up to defend the proceedings of the Ecclesiastical Courts in these matters; they might be absurd and such as ought not to be continued in the present day. But it did not follow that all the other authority of the Courts should be entirely abolished, and their powers in other respects, which in his experience had been usefully exercised, should be transferred to other jurisdictions. He had no prejudice in favour of the Ecclesiastical Courts; but, as regarded some of the important parts of their powers, in testamentary and matrimonial questions, he was not aware that any objection had been made to the manner in which they had been exer-

cised. Was it to be said that these ought to be abolished because the hon. Member for Finsbury adduced certain ludicrous instances, which depended on other powers which perhaps the Courts ought not to possess, but which, while they possessed, they were bound to exercise. The hon. Member jumped to an extraordinary conclusion when he said, because such absurdities existed in relation to brawling and defamation, these Courts ought to be swept away, and their powers transferred to the Civil Courts. He thought that the hon. Member had not come to any conclusion as to how the powers of the Ecclesiastical Courts were to be exercised by any other courts. He had not considered how the Civil Courts with their present powers, were to exercise those functions. This was a crude and ill-digested Motion of the hon. Member, who had got some materials by which he roused the feelings of Gentlemen opposite against these Courts, as regarded some minute particulars of their jurisdiction, but was not able to suggest any mode by which their powers were to be transferred to any other jurisdiction. As far as his experience went, and he had had some experience, he had never seen any reason to complain of the mode in which those powers were exercised, or that they were such as to induce him to adopt the strong language of the hon. Member for Finsbury, that they were a nuisance, or that any benefit would arise from transferring their powers. When the House was in Committee, the hon. Member might suggest any alterations, in addition to the clauses which took away the jurisdiction in brawling and defamation, but in this stage of the question all those observations were beside the question, which was to decide whether these Courts were to be abolished or or not. He did not understand whether the right hon. Baronet (Sir G. Grey) went the entire length of the hon. Member for Finsbury. He understood the right hon. Gentleman to desire the abolition of the Courts so far as their criminal jurisdiction was concerned. The right hon. Gentleman had used an incorrect expression; he should have said that the criminal jurisdiction was to be taken away. It was important to know what length the right hon. Gentleman went, and he understood him to say that he would not vote for the entire Motion of the hon. Member for Finsbury, but that all he contended for was, that the jurisdiction in criminal matters should be taken away, which was a matter for future consideration. With regard to the testamentary jurisdiction, it was easy to state possible difficulties from clashing opinions of the courts which decide on real and personal property, but the occasions of those clashings of opinion were much diminished since the late Act, which assimilated the execution of all wills on both real and personal bequests. All the differences of opinion as regarded wills, therefore, would turn on the capacity of the testator, and the occasions would not be numerous enough to justify the taking away the jurisdiction of the Courts in these matters.

Sir *G. Grey* explained.—So far as the criminal jurisdiction was concerned, he felt no hesitation whatever on the subject. With regard to the testamentary jurisdiction, he would rather see it taken away altogether than retained in thirty-five courts.

The House divided on the question that the words proposed to be left out stand part of the amendment.—Ayes 115; Noes 70: Majority 45.

List of the Ayes.

Ainsworth, P.	Dodd, G.
Alford, Visct.	Douglas, Sir H.
Antrobus, E.	Douglas, Sir C. E.
Baird, W.	Eliot, Lord
Barrington, Visct.	Escott, B.
Beresford, Major	Estcourt, T. G. B.
Blackstone, W. S.	Fitzroy, hon. H.
Boldero, H. G.	Flower, Sir J.
Borthwick, P.	Forbes, W.
Botfield, B.	Forman, T. S.
Bowles, Adm.	Gardner, J. D.
Boyd, J.	Gladstone, rt. hn. W. E.
Bramstone, T. W.	Gladstone, Capt.
Bruce, Lord E.	Godson, R.
Bulkeley, Sir R. B.	Gordon, hon. Capt.
Burrell, Sir C. M.	Gore, M.
Cardwell, E.	Gore, W. R. O.
Charteris, hon. F.	Goulburn, rt. hon. H.
Chelsea, Visct.	Graham, rt. hn. Sir J.
Clerk, Sir G.	Greenall, P.
Clive, Visct.	Greene, T.
Clive, hon. R. H.	Hamilton, Lord C.
Cockburn, rt. hn. Sir G.	Henry, J. W.
Codrington, Sir W.	Henniker, Lord
Corry, rt. hn. H.	Herbert, hon. S.
Cripps, W.	Hodgson, F.
Darby, G.	Hodgson, R.
Davies, D. A. S.	Hogg, J. W.
Denison, E. B.	Hope, hon. C.
Dickinson, F. H.	Hope, G. W.
D'Israeli, B.	Hussey, T.

Ingestre, Visct.
Irving, J.
Jervis, J.
Kemble, H.
Knatchbull, rt.hn.SirE
Knight, H. G.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lopes, Sir R.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackinnon, W. A.
M'Neill, D.
Manners, Lord J.
Mastermann, J.
Meynell, Capt.
Mildmay, H. St. J.
Morgan, O.
Mundy, E. M.
Neeld, J.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Oswald, A.
Palmer, R.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pollington, Visct.
Pringle, A.
Reid, Sir J. R.
Repton, G. W. J.
Round, J.
Rushbrooke, Col.
Russell, J. D. W.
Sholefield, J.
Shirley, E. J.
Sibthorp, Col.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Sutton, hon. H.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Ald.
Wood, Col. T.
Wortley, hon. J. S.

TELLERS.

Young, J.
Baring, H.

List of the NOES.

Barclay, D.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, Sir H.
Bernal, R.
Bouverie, hon. E. P.
Bowes, J.
Bowring, Dr.
Bright, J.
Brotherton, J.
Browne, hon. W.
Buller, C.
Byng, G.
Christie, W. D.
Clay, Sir W.
Clive, E. B.
Cobden, R.
Collett, J.
Dennistoun, J.
Duncan, Visct.
Duncan, G.
Easthope, Sir J.
Ebrington, Visct.
Ellice, E.
Elphinstone, H.
Evans, W.
Forster, M.
Gibson, T. M.
Grey, rt. hn. Sir G.
Guest, Sir J.
Hastie, A.
Hawes, B.
Hill, Lord M.
Humphery, Ald.
Hutt, W.
Langston, J. H.
Layard, Capt.
Leveson, Lord
Macaulay, rt. hn. T. B.
Mangles, R. D.
Martin, J.
Mitchell, T. A.
Ord, W.
Paget, Col.
Palmerston, Visct.
Parker, J.
Pattison, J.
Pechell, Capt.
Philips, G. R.
Phillpotts, J.
Plumridge, Capt.
Ross, D. R.
Rous, hon. Capt.
Russell, Lord J.
Stansfield, W. R. C.
Stewart, P. M.
Strutt, E.
Tancred, H. W.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Vane, Lord H.
Villiers, hon. C.
Wall, C. B.
Warburton, H.
Ward, H. G.
Williams, W.
Wrighton, W.
Wyse, T.
Yorke, H. R.

TELLERS.

Duncombe, T.
Hume, J.

Question again put, that the Speaker do now leave the Chair.

Mr. *P. Borthwick* must oppose the Motion. He complained that some short time before, when he brought forward a Motion of considerable importance to the country, he was not allowed an opportunity of proceeding with it, as the House was counted out during his address. He had, however, always acted in a different spirit from that which was evinced towards himself in that respect, for he had since been in the House when the right hon. Baronet the Secretary for the Home Department addressed it for a considerable period with only thirty-five or thirty-seven Members present, and the right hon. Baronet was followed by the hon. and learned Member for Bath, who spoke for an hour with less than forty Members present. He wanted to assist the Government in preventing the House being counted out if possible, so that he had not adopted a course similar to that which had been taken with respect to himself. He asked the Government to "look upon this picture and on that"—to contrast his conduct in assisting them to prevent the House from being counted out with that which had been pursued with regard to himself—was it by such means as counting out the House that an important Motion ought to be met—was that the use that ought to be made of influence in this House? He thought it too bad that independent Members should be prevented from submitting to the House matters which they thought deserving its highest consideration. He would have the right hon. Baronet at the head of the Government remember, that

——————"it is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant."

Forgetting the example of

"Merciful Heaven,
That rather with its sharp and sulphurous bolt
Splits the unwedgeable and gnarled oak
Than the soft myrtle. But man, proud man,
Drest in a little brief authority,
* * * *
Plays such fantastic tricks before high Heaven
As make the angels weep."

[Mr. *G. Knight*.—You have left out the "angry ape" from the quotation.] The hon. Member for Nottinghamshire says, (continued the hon. Member,) I have omitted the "ape" from the quotation. I

am very sorry for it, for I was not looking at him at the time. I do not mean the observation at all offensively." He would ask the House what was its opinion of those who took the advantage of counting out the House, and thus disposing of a Motion on a subject of much importance. He hoped that hereafter, when the Government made arrangements for counting out the House, they would give notice to hon. Members who had Motions coming on, that they had done so, and thus let them know how the matter stood, for it was impossible for a single Member to resist the purpose of the Government. The Motion of which he had given notice for that evening, was not one that had been lightly adopted—it was brought forward by him, because he believed that the bill to which it related was one that could only produce mischief if carried into a law. He admitted that the Ecclesiatical Courts required some reform, but not such as was now proposed. The institutions they were attacking were instinct with the genius and spirit of better times than those in which we lived; they breathed in every one of their forms the acknowledgment, on the part of the people, that there was a power from which all law, ecclesiastical and civil, was derived, by which alone "Kings reign and princes decree justice." It was on the principle that from the mouth of the Church should proceed Ecclesiastical Law that these institutions were framed. But we lived in altered times, when everything was being revolutionized in religion, morals, and politics, and this Bill was an attempt to reform the Church Courts in accordance with the prevailing spirit of convenience, cheapness, and expediency, irrespective of the principles of truth and justice. The Bill as originally proposed was the suggestion of the Ecclesiastical Commission. But the proper court in which to consider the question of the abolition of these courts was the Convocation of the Clergy, the legal court of appeal from their decisions, and the authority constituted by the statutes for the consideration of such subjects. In former times, when the clergy taxed themselves at these convocations, the Crown was very glad to see them there; but since 1664, when they paid their last subsidy, no more had been heard of a wish that the clergy should assemble in Convocation. Yet it was owing to the forbearance of the clergy that the Convocation was not now sitting and deliberating side by side with that House on the subject which they were now discussing. He brought forward a Motion for an Address to Her Majesty on the subject of a Convocation of the Clergy, one effect of which would be to enable them to have the assistance of a Convocation of the Clergy in this very matter; but he was met by a proceeding which was equivalent to telling him that it was not worthy of their consideration. This Bill was not at all similar to the Bill of last year, both being brought in by the same Government. Would any man tell him that there were, in the wide range of chemistry, any two substances more unlike than this Bill and the Bill of last year. Yet they were both the Bills of a Conservative Government; and this was the mode in which they changed their course of proceeding, and introduced a totally different Bill from that of last Session, after telling the country, through their miserable organs, that they required no advice on the subject. The Bill of the present year preserved some of the Diocesan Courts, whilst it abolished others. Now, why, he would ask, had some of those Courts been abolished and some preserved? For two very clear and intelligible reasons—first, on account of deficient authority; and, secondly, in consequence of the absence of all principle in the Bill, he should oppose it in every manner which the forms of the House allowed. The hon. Member then moved that the House go into Committee this day six months.

The House divided: Ayes 62; Noes 25: Majority 37.

List of the AYES.

Ackland, T. D.	Forman, T. S.
Antrobus, E.	Fremantle, rt.hn.Sir.T.
Arkwright, G.	Gaskell, J. Milnes
Baird, W.	Gladstone, rt.hn.W.E.
Boldero, H. G.	Glynne, Sir S. R.
Botfield, B.	Gordon, hon. Capt.
Bowles, Adm.	Graham, rt. hn. Sir J.
Broadley, H.	Granger, T. C.
Chetwode, Sir J.	Greene, T.
Clerk, Sir G.	Hamilton, Lord C.
Cockburn, rt.hn. Sir G.	Heathcote, Sir W.
Corry, rt. hn. H.	Herbert, hon. S.
Cripps, W.	Hinde, J. H.
Darby, G.	Hodgson, R.
Davies, D. A. S.	Hope, hon. C.
Dickinson, F. H.	Hope, G. W.
Douglas, Sir C. E.	Hussey, T.
Escott, B.	Jervis, J.
Flower, Sir J.	Johnstone, Sir J.

Kemble, H.	Richards, R.
Knatchbull,rt.hn.SirE.	Round, J.
Knight, H. G.	Rushbrooke, Col.
Lennox, Lord A.	Sibthorp, Col.
Liddell, hon. H. T.	Smyth, Sir H.
Mackenzie, W. F.	Sutton, hn. H. M.
Masterman, J.	Thesiger, F.
Milnes, R. M.	Trench, Sir F. W.
Munday, E. M.	Vivian, J. E.
Nicholl, rt. hon. J.	Williams, W.
Palmer, G.	
Peel, rt. hon. Sir R.	TELLERS.
Plumptre, J. P.	Young, J.
Praed, W. T.	Pringle, A.

List of the NOES.

Baring, rt. hon. F. T.	Humphery, Ald.
Barnard, E. G.	Manners, Lord J.
Berkeley, hon. H. F.	Murray, A.
Bouverie, hon. E.	Phillpotts, J.
Butler, hon. Col.	Protheroe, E.
Christie, W. D.	Russell, Lord J.
Dalrymple, Capt.	Thornely, T.
Duncombe, T.	Tufnell, H.
Dundas, D.	Vivian, hon. Capt.
Elphinstone, H.	Warburton, H.
Grey, rt. hn. Sir. G.	Wrightson, W. B.
Hawes, B.	TELLERS.
Hill, Lord M.	Borthwick, P.
Hume, J.	Collett, W. R.

House in Committee.

On the first Clause, Repeal of former Acts,

Sir *G. Grey* moved an amendment,

"In page 3, line 12, after 'defamation,' to insert the words 'schism, heresy, blasphemy, perjury, incest, adultery, fornication, drunkenness, or other evil-living, and of smiting or laying violent hands on another, in any church or churchyard, and of maliciously striking any person with, or drawing any weapon, in any church or churchyard, to the intent to strike another with the same, and of brawling;'"

which would remove from the Ecclesiastical Courts all criminal jurisdiction. He was at a loss to know why, in the face of the recommendation of the Ecclesiastical Commissioners, this jurisdiction was retained in several cases in which the Commissioners represented that, even if the power was attended with any benefit, that advantage was counterbalanced by the odium which the Courts excited. Indeed, the most effectual argument that could be advanced against this jurisdiction would be to read the terms in which the Archbishop of Canterbury and his colleagues had denounced it.

Dr. *Nicholl* said, it was his object (and if it were not effected by the Clause as it stood he would amend it) to preserve the criminal jurisdiction of these Courts in cases of brawling only in the church or church-yard, not in edifices connected with the church. The effect of this would be to give the clergy the means of checking any indecorous insubordination in the church, or any indecent interruption of sacred offices, but not to interpose ecclesiastical authority in cases arising out of proceedings in vestry rooms, &c. Unless the jurisdiction of these Courts were so far, at least, preserved, there would be no means of controlling any unruly clerk or organist, for example, who might improperly conduct himself during the service of the church. As to the punishment of parties for immoralities and other like offences of Ecclesiastical consequence, he was willing that the penal consequences should not follow, and that the Courts should not have power even to inflict costs on parties cited; and that if those who were cited did not appear no process of contempt should issue. But the Church should have the power of excluding from her communion those who misconducted themselves: a power possessed by all religious sects, and surely not to be withheld from the Established Church. A clause so framed would be acceptable to certain parties; who would feel the entire abolition of ecclesiastical jurisdiction in such cases as an undeserved injury and injustice to the Church of England.

Mr. *Jervis* said he wished to make the Bill as perfect as possible, and therefore entreated the right hon. Gentleman to reconsider the proposition of the right hon. Baronet. Last year the great merit of the Bill then proposed by the Government was stated to be the removal of all criminal jurisdiction, and its enactments were framed in accordance with the Amendment now proposed. As to disturbance of public worship or brawling, that was an offence punishable at Common Law, without the expense of a citation and protracted litigation in an Ecclesiastical Court, and therefore there could be no real ground for retaining this jurisdiction. When the right hon. and learned Gentleman spoke of all religious sects possessing the power of rejecting from their respective communions parties who misconducted themselves, let it be remembered that no sects possessed courts for adjudication on offences. Nor was there any necessity why for the Church of England there should be any greater security against the admission into her com-

munion of improper persons than the power which her clergy, in common with all others, possessed of excluding from the sacred rites those who were known evil livers, or who notoriously misconducted themselves. In addition to this the criminal jurisdiction of those Courts without penal power or process of contempt was utterly nugatory.

Lord *J. Russell* thought that the solemn recommendation of the Commissioners, supported as it had been by them in their Report, ought not to be disregarded.

The Committee divided on the question that the words be inserted:—Ayes 40; Noes 62: Majority 22.

List of the AYES.

Bannerman, A.	Humphrey, Ald.
Baring, rt. hn. F. T.	Maher, N.
Barnard, E. G.	Phillpotts, J.
Borthwick, P.	Protheroe, E.
Bowring, Dr.	Richards, R.
Brotherton, J.	Roebuck, J. A.
Browne, hon. W.	Russell, Lord J.
Buller, C.	Stansfield, W. R. C.
Butler, P. S.	Strutt, E.
Christie, W. D.	Tancred, H. W.
Collett, J.	Thornely, T.
Dalrymple, Capt.	Tufnell, H.
Duncombe, T.	Vivian, hon. Capt.
Dundas, D.	Warburton, H.
Elphinstone, H.	Watson, W. H.
Escott, B.	Williams, W.
Evans, W.	Wrightson, W. B.
Granger, T. C.	Yorke, H. R.
Hastie, A.	
Hawes, B.	TELLERS.
Hill, Lord M.	Jervis, J.
Hume, J.	Grey, Sir G.

List of the NOES.

Acland, T. D.	Gladstone, rt.hn.W.E.
Baird, W.	Glynne, Sir S. R.
Baskerville, T. B. M.	Godson, R.
Botfield, B.	Goulburn, rt. hon. H.
Bowles, Adm.	Graham, rt. hn. Sir J.
Boyd, J.	Heathcote, Sir W.
Buck, L. W.	Henley, J. W.
Cardwell, E.	Herbert, hon. S.
Chetwode, Sir J.	Hinde, J. H.
Clayton, R. R.	Hodgson, R.
Clerk, Sir G.	Hope, hon. C.
Copeland, Ald.	Hope, G. W.
Corry, rt. hon. H.	Hotham, Lord
Cripps, W.	Hussey, T.
Darby, G.	Kemble, H.
Dickinson, F. H.	Knatchbull, rt.hn.Sir E
Fitzroy, hon. H.	Knight, H. G.
Flower, Sir J.	Liddell, hon. H. T.
Forman, T. S.	Lopes, Sir R.
Fremantle, rt.hn. Sir T.	Mackenzie, W. F.
Gaskell, J. Milnes	Manners, Lord J.
Masterman, J.	Rushbrooke, Col.
Milnes, R. M.	Sibthorp, Col.
Morris, D.	Smyth, Sir H.
Muntz, G. F.	Somerset, Lord G.
Nicholl, rt. hon. J.	Sutton, hon. H. M.
Palmer, R.	Thesiger, Sir F.
Plumptre, J. P.	Trench, Sir F. W.
Pollington, Visct.	Vivian, J. E.
Praed, W. T.	
Price, R.	TELLERS.
Pringle, A.	Baring, H.
Round, J.	Young, J.

Sir *G. Grey* moved an Amendment, to the effect that the jurisdiction of the Ecclesiastical Courts should not extend to cases of brawling in the churches or church-yard.

Dr. *Nicholl* contended that the jurisdiction of the Church extends to the maintenance of order within itself.

Mr. *C. Buller* said, that the opinions of the arch-bishops and bishops composing the Ecclesiastical Commission was, he believed, that the Common Law of the land was sufficient to meet the offences in question. It was absurd to suppose that the ordinary tribunals were not competent to punish such offences.

The *Solicitor General* thought, that the hon. and learned Gentleman (Mr. C. Buller) was mistaken as to the opinion of the Ecclesiastical Commissioners. The Common Law was not sufficient to meet every case of brawling in churches; there were many cases in which a congregation might be scandalised, but in respect to which no indictment at Common Law would lie.

Mr. *Jervis* supported the Amendment, and remarked that to disturb public worship in a church was indictable at Common Law. To be consistent the right hon. Baronet (Sir R. Peel), who had consolidated the Criminal Acts into one code, should withdraw from that code all ecclesiastical offences. This Bill, as it stood, would leave the same offence, if committed in a church or church-yard, to be dealt with by a different tribunal from that which would take cognizance of it were it committed in a dissenting chapel or burial-ground.

Dr. *Nicholl* remarked, that to disturb any Christian congregation was a criminal offence, and punishable as such by the law as it stood.

Mr. *Watson* said, that any disturbance of public worship ought to be punishable as a criminal offence; but what he and his hon. and learned Friends contended,

was, that the civil tribunals of the country were fully competent to deal with those offences; and it was absurd to say, that because the offence was committed in a church, therefore it should not come under the jurisdiction of the Courts in Doctors'-commons.

Mr. *Roebuck* was at a loss to understand why there should be a separate and distinct jurisdiction for this class of offences. He denied the necessity for Ecclesiastical Law; he quarrelled with the name "Ecclesiastical Jurisdiction." What was the ground upon which that jurisdiction was asserted? That the Church was bound to take care of the souls of the people, and required, therefore, the power to punish offences. But it was a bare superstition that any one could take care of any man's soul but his own. Let him take care of that, and it was as much as he could do. To take care of my soul's health (said the hon. and learned Gentleman), is the plea put forth by the clergy; but that means to have the power of dipping their hands into my pocket, and, under the name of excommunication, to obtain ruinous costs. The whole question is one of money and costs, and, under the name of Ecclesiastical Jurisdiction, you give the means of drawing from the people a larger sum in costs, than you could get by the Common Law—so that this sole remnant of the old gigantic papal power in this country is maintained to enable the right hon. and learned Gentleman opposite (Dr. Nicholl) to get costs. Let us not mince the matter. That is what is meant by it and nothing else. The soul's health! The soul of man is a matter of far too high consideration for any purpose of Ecclesiastical Jurisdiction at this time of day. In the fourteenth century, it might have made him (Mr. Roebuck) very unhappy, had he been told by the right hon. and learned Gentleman, that he had committed some offence against the Church, and it was necessary for his soul's health, that he should be punished by the Ecclesiastical Courts; but now, with the increased knowledge of the nineteenth century, he bade the right hon. and learned Gentleman defiance, and would tell him, that his soul was under his own jurisdiction, and not under that of the right hon. and learned Gentleman, or his Bishop. He said then, that this so-called Ecclesiastical Law, was merely the administration of ordinary law, under an extraordinary form, and paid for by extraordinary penalties. If one man assaulted another in the street, it was as much an offence as if the assult were committed in a church-yard. Why then should there be a different tribunal in the one case than the other? If a man knocked another down on the highway and robbed him, he would be tried by the magistrates, or a jury; but if he were charged with brawling in a church or church-yard, he was made subject to the Ecclesiastical Courts, and must be tried by the right hon. and learned Gentleman. But what made the right hon. and learned Gentleman an Ecclesiastical Judge? He had none of the properties of a priest about him? He was a layman, like himself (Mr. Roebuck). It was understood that all Ecclesiastical Law, as such, had been abrogated; and the Ecclesiastical jurisdiction was simply a different form of administering the common law in certain matters. Then, what was meant by bringing in an Ecclesiastical Courts Bill, at this time of day, at all. Under the name of Ecclesiastical jurisdiction, it was supposed that religion was taken care of, though those courts had now no connection with religion whatever. The Ecclesiastical Court was but another and a bad form of administering the civil law, divested of all the safeguards and advantages with which the ordinary tribunals were accompanied. He could see no grounds for refusing the admission of the words proposed, and should vote for the Amendment.

Sir *G. Grey* said, the object of his Amendment appeared to be somewhat misunderstood by the hon. and learned Gentleman. He proposed to follow out the recommendations of the Ecclesiastical Commissioners, and the principles of common sense, by abolishing the jurisdiction of the Ecclesiastical Courts, in regard to this description of offences, and bringing them under the cognizance of the ordinary tribunals of the country. He had no desire that persons guilty of brawling should escape punishment, but that they should not be subject to the Ecclesiastical Courts.

Mr. *Warburton* would ask, what superior sanctity there was in the burial-ground of a church over the burial-ground of a dissenting chapel?

Mr. *B. Escott* could not understand why, if there was already a law providing pu-

nishment for the offence, they should institute another tribunal, and, as it were, heap up accumulative punishments for the same crime.

The *Solicitor General* remarked, that there were certain offences in the class in question which were, no doubt, punishable by indictment at Common Law, but there were others which were not. For instance, a person scandalizing a congregation by standing with his hat on during divine service, and persisting in the offence, that was not an offence punishable by indictment, and, therefore, the Ecclesiastical jurisdiction was necessary.

Dr. *Bowring* would put to the hon. and learned Gentleman, the case of a person entertaining conscientious convictions that under no circumstances ought he to uncover his head, entering a church with his hat on. Would the hon. and learned Gentleman make that person liable to all the pains and penalties of Ecclesiastical law?

The *Solicitor General* did not think he ought to give any answer to the hon. Gentleman's question; but the answer he should give, was, that such a person as he had spoken of ought to keep away from the church.

Mr. *Elphinstone* admitted, that any person disturbing a place of worship, ought to be punished; but he could not understand what difference they could, as legislators, make between the offence when committed in a church, than if committed in any other place of Christian worship.

Mr. *Jervis* contended, that to disturb public worship in the church was an indictable offence at Common Law. If the offence was aggravated, they could increase the punishment in proportion, without withdrawing it from the jurisdiction of the Civil Courts. The only object of making that offence cognizable by Ecclesiastical Courts must be to ruin the party offending, by subjecting him to enormous costs. The proposition, too, he might add, would not preserve churchyards from desecration.

Colonel *Sibthorp* remarked, that during the seventeen years in which he had sat in that House, he had never heard such an observation as that made relative to wearing a hat in church by the hon. Member for Bolton. All he could say was, that if the hon. Member attempted any such thing in a church of which he was churchwarden, or indeed was present in, he would make very little difficulty of seizing and turning him out. He was a churchman himself, but if he went into a meeting-house, and sat with his hat on, he thought he would richly deserve to be put in the stocks, as the hon. Member for Bolton would, did he behave in a church in a similar manner.

Dr. *Bowring* remarked, that there was a very numerous and respectable religious sect, who, in their places of worship, never took their hats off. His inquiry was, whether if a Friend—a Quaker—acted so injudiciously as to persevere in remaining covered, the Common Law would reach him? The gallant Member for Lincoln was hardly justified in supposing that he would be the individual likely to be guilty of such an indiscretion.

Mr. *C. Buller* said, he feared that if the hon. and gallant Member for Lincoln turned the hon. Member for Bolton forcibly out of a church, he himself would be guilty of brawling, and liable to Ecclesiastical punishment. What he wished to know was, why they refused to place improper acts committed in a church in a position to be reached by the Common Law? The Common Law, he contended, contained in itself sufficient power. Why, then, should he, for a certain class of offences, be deprived of the benefit of trial by jury —of *vivâ voce* cross-examination of witnesses — of all those safe-guards which caused the people to place confidence in the administration of the law, under the jurisdiction of which they lived?

Mr. *Roebuck* would ask the simple question, whether or not there were a class of offences which the Common Law would not reach? That was the doctrine of the Solicitor General; that was his doctrine with reference to the illustration of a man keeping his hat on in church. Now, was there no Common Law jurisdiction which would extend to a man offending a congregation by such a proceeding? If such a jurisdiction did exist, they had no right to introduce another touching the same point.

Mr. *Watson* said, that any man wearing his hat in church for the purpose of offending the congregation was guilty of an indictable offence, and one upon which a temporal tribunal was quite competent to decide.

Sir *R. Peel* thought there were many offences connected with behaviour in

churches of so indefinite and undefinable a character, that they had better be left to the jurisdiction of Church Courts.

Mr. *Hume* understood that the right hon. Baronet wished to leave offences of an indefinite character to the decision of Ecclesiastical Courts.

Mr. *Roebuck* said, that any offence cognizable by Ecclesiastical Courts was, under another name, cognizable by Common Law Courts. He challenged the hon. and learned Gentleman, the Solicitor General, to point out a single instance in which such was not the case. Let him give them another illustration—that of the hat was not fortunate. Was it only because an offence was indefinite, it should be subjected to Ecclesiastical jurisdiction? The right hon. and learned Gentleman opposite must know very well, that the mode in which Ecclesiastical Judges dealt with facts, was the most preposterous attempt to get at truth which was ever palmed off upon a civilized nation. He wished to know why they were to withdraw from the ordinary jurisdiction of the country—one in which the people had confidence—an offence, because it was an indefinite one, and he again challenged the hon. and learned Solicitor General, to cite an instance in which offending a congregation was not an indictable offence.

Sir *R. Peel* said, that the hon. and learned Member for Bath was remarkably pugnacious to-night. He had uttered so many challenges, that he thought he would be placed in an awkward position if they were all accepted. Now, as to jurisdictions, independent of the Common Law Courts, he might cite the instance of the House wherein he sat, in which there was a jurisdiction established to maintain order quite independent of the Courts of Common Law. The Speaker, as they all knew, exercised a jurisdiction for that purpose, and was enabled to punish a breach of order. He remembered, indeed, the case of a member of the Society of Friends in that House, who persisted in wearing his hat in the House until the Speaker exercised his authority to remove it. It was, then, occasionally necessary to exercise a jurisdiction independent of the Courts of Common Law.

The *Solicitor-General* said, that whatever might be the general legal accomplishments of his hon. and learned Friend the Member for Bath, there was at least one part of the law in which he seemed quite at home—in the law of peremptory challenge. The hon. and learned Member was, indeed, so much in the habit of catechising hon. Members of that House, that he came naturally to adopt on all occasions a very magisterial air. However, he would not be moved by the lofty manner of his hon. and learned Friend, but he would answer his question, as well as that of the hon. Member for Kinsale. It was certainly not decorous to see two lawyers in that House contradicting each other, and quarrelling about a point of law. His hon. and learned Friend staked his professional reputation upon his proposition—a proceeding which placed him in somewhat an unenviable position, because he did not at all agree to stake his own professional reputation on the original doctrine which he had laid down; and yet had it not been for the bold assertions and confident tone of his hon. and learned Friend, he would have been inclined to say, that he considered it to be an unquestionable doctrine of law, that for a man to offend a congregation by sitting with his hat on, was not an indictable offence. He might entertain that opinion yet, but he did not choose to put it forward in the bold and confident manner of his hon. and learned Friend. With respect to some of the challenges thrown out, he must say, that the hon. and learned Member, using the word "cumulative," was quite mistaken in its employment: that word was only applicable when more than one punishment was allotted to the same offence. The cases which he referred to, were those in which he maintained that the Courts of Common Law had no jurisdiction. The hon. and learned Member for Bath had called on him for additional instances of a man offending a congregation, and not being liable to indictment. He could mention many. On the subject of brawling itself, with reference to an assembled congregation, the hon. Member for Bath knew well that brawling was in general constituted by offensive words used in a church or other sacred place. Now, that might occur when no congregation was assembled for the purpose of worship, and it was only an ecclesiastical offence, by reason of the sacredness of the place. The hon. and learned Member for Bath knew that for such offences there could be no civil or criminal proceedings in Common

Law Courts. He thought, therefore, that he had settled the challenge thrown out upon that point.

The Committee divided, on the question that the words proposed by Sir G. Grey be inserted.—Ayes 61; Noes 109; Majority 48.

List of the AYES.

Baring, rt. hon. F. T.	Langston, J. H.
Barnard, E. G.	Layard, Capt.
Berkeley, hon. Capt.	Maher, N.
Bowes, J.	Mitcalfe, H.
Bowring, Dr.	Mitchell, T. A.
Brotherton, J.	Morison, Gen.
Browne, hon. W.	Murray, A.
Buller, C.	Ord, W.
Busfeild, W.	Palmerston, Visct.
Butler, P. S.	Parker, J.
Christie, W. D.	Phillpotts, J.
Clive, E. B.	Plumridge, Capt.
Colebrooke, Sir T. E.	Protheroe, E.
Collett, J.	Roebuck, J. A.
Dalmeny, Lord	Smith, rt. hn. R. V.
Dalrymple, Capt.	Stansfield, W. R. C.
Duncan, G.	Stock, Mr. Serj.
Duncombe, T.	Strutt, E.
Dundas, D.	Tancred, H. W.
Ebrington, Visct.	Thornely, T.
Elphinstone, H.	Trelawny, J. S.
Escott, B.	Tufnell, H.
Evans, W.	Vivian, J. H.
Forster, M.	Warburton, H.
Granger, T. C.	Ward, H. G.
Guest, Sir J.	Watson, W. H.
Hastie, A.	Williams, W.
Hawes, B.	Wrightson, W. B.
Hill, Lord M.	Yorke, H. R.
Hobhouse, rt. hn. Sir J.	TELLERS.
Hume, J.	Grey, Sir G.
Humphery, Mr. Ald.	Jervis, J.

List of the NOES.

Acland, T. D.	Clayton, R. R.
Alford, Visct.	Clive, Visct.
Antrobus, E.	Clive, hon. R. H.
Archdall, Capt. M.	Cockburn, rt. hn. Sir G.
Bailey, J.	Codrington, Sir W.
Baird, W.	Copeland, Mr. Ald.
Barrington, Visct.	Corry, rt. hon. H.
Baskerville, T. B. M.	Cripps, W.
Boldero, H. G.	Darby, G.
Borthwick, P.	Davies, D. A. S.
Botfield, B.	Dickinson, F. H.
Bowles, Adm.	Disraeli, B.
Boyd, J.	Douglas, Sir C. E.
Bramston, T. W.	Du Pre, C. G.
Broadley, H.	Eliot, Lord
Bruce, Lord E.	Fitzroy, hon. H.
Buck, L. W.	Flower, Sir J.
Cardwell, E.	Forman, T. S.
Carnegie, hon. Capt.	Fremantle, rt. hn. Sir T.
Charteris, hon. F.	Gardner, J. D.
Chelsea, Visct.	Gaskell, J. Milnes
Chetwode, Sir J.	Gladstone, rt. hn. W. E.
Cholmondeley, hn. H.	Gladstone, Capt.
Glynne, Sir S. R.	Marton, G.
Gordon, hon. Capt.	Master, T. W. C.
Gore, M.	Masterman, J.
Goring, C.	Mordaunt, Sir J.
Goulburn, rt. hon. H.	Mundy, E. M.
Graham, rt. hon. Sir J.	Neville, R.
Greenall, P.	Nicholl, rt. hon. J.
Gregory, W. H.	Norreys, Lord
Hamilton, Lord C.	Oswald, A.
Hanmer, Sir J.	Palmer, R.
Hardy, J.	Patten, J. W.
Heathcote, Sir W.	Peel, rt. hn. Sir R.
Henley, J. W.	Plumptre, J. P.
Henniker, Lord	Polhill, F.
Hinde, J. H.	Pollington, Visct.
Hodgson, R.	Pringle, A.
Hope, hon. C.	Pusey, P.
Hope, G. W.	Rashleigh, W.
Hotham, Lord	Round, J.
Hughes, W. B.	Rushbrooke, Col.
Hussey, T.	Sibthorpe, Col.
Inglis, Sir R. H.	Smyth, Sir H.
Johnstone, Sir J.	Somerset, Lord G.
Kemble, H.	Stanley, Lord
Knatchbull, rt. hn. Sir E.	Sutton, hon. H. M.
Knight, H. G.	Thesiger, Sir F.
Law, hon. C. E.	Thompson, Mr. Ald.
Lennox, Lord A.	Trench, Sir F. W.
Liddell, hon. H. T.	Vivian, J. E.
Lopes, Sir R.	Wood, Col. T.
Lyall, G.	TELLERS.
Mackenzie, W. F.	Young, J.
Manners, Lord J.	Baring, H.

Sir *G. Grey* proposed, as another amendment, to insert words abolishing Ecclesiastical jurisdiction in cases of Church-rate.

Dr. *Nicholl* said, there was no other tribunal at present to decide the validity of Church-rates; and as the question of extent of jurisdiction in this respect was in several cases raised before the temporal courts, it was manifestly impossible to legislate with such a view as that proposed, until those cases were decided.

Mr. *Collett* begged to ask to what purpose Church-rates were applied.

Dr. *Nicholl*: To the necessary repairs of the fabric of the Church, to the celebration of divine service, and, with the consent of the majority of the vestry, to the purposes of ornament.

The Committee divided on the question that the words be inserted.—Ayes 66; Noes 107: Majority 41.

List of the AYES.

Anson, hon. Col.	Brotherton, J.
Baring, rt. hon. F. T.	Browne, hon. W.
Barnard, E. G.	Buller, C.
Bellew, R. M.	Busfeild, W.
Bowes, J.	Butler, P. S.
Bowring, Dr.	Chapman, B.

Christie, W. D.
Clive, E. B.
Colebrooke, Sir T. E.
Collett, J.
Cowper, hon. W. F.
Denison, W. J.
Duncan, G.
Ebrington, Visct.
Elphinstone, H.
Evans, W.
Forster, M.
Granger, T. C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hawes, B.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hume, J.
Humphrey, Mr. Ald.
Hutt, W.
Labouchere, rt. hn. H.
Langston, J. H.
Layard, Capt.
Mangles, R. D.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Murray, A.
Ord, W.
Palmerston, Visct.
Parker, J.
Phillpotts, J.
Plumridge, Capt.
Protheroe, E.
Roebuck, J. A.
Scott, R.
Smith, rt. hon. R. V.
Stansfield, W. R.
Stuart, W. V.
Stock, Mr. Serj.
Strutt, E.
Talbot, C. M.
Tancred, H. W.
Thorneley, T.
Trelawney, J. S.
Vivian, J. H.
Wakley, T.
Warburton, H.
Ward, H. G.
Watson, W. H.
Williams, W.
Yorke, H. R.

TELLERS.
Tufnell, H.
Jervis, J.

List of the NOES.

Acland, T. D.
Alford, Visct.
Antrobus, E.
Bailey, J.
Baird, W.
Baring, T.
Barrington, Visct.
Baskerville, T. B. M.
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Boyd, J.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buck, L. W.
Cardwell, E.
Carnegie, hon. Capt.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hon. H
Clayton, R. R.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Davies, D. A. S.
Dickinson, F. H.
Disraeli, B.
Douglas, Sir C. E.
Drummond, H. H.
Du Pre, C. G.
Eliot, Lord
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fremantle, rt. hn. Sir T.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Gregory, W. H.
Hanmer, Sir J.
Hardy, J.
Heathcote, Sir W.
Henley, J. W.
Henniker, Lord
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Inglis, Sir R. H.
Johnstone, Sir J.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Law, hon. C. E.
Lennox, Lord A.
Lopes, Sir R.
Lowther, hon. Col.
Lyall, G.
Mackenzie, W. F.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Mordaunt, Sir J.
Mundy, E. M.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Lord
Oswald, A.
Palmer, R.
Palmer, G.
Peel, rt. hon. Sir R.
Plumptre, J. P.
Pollington, Visct.
Pusey, P.
Rashleigh, W.
Round, J.
Rushbrooke, Col.
Shirley, E. J.
Sibthorp, Col.
Somerset, Lord G.
Stanley, Lord
Sutton, hn. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Mr. Ald.
Trench, Sir F. W.
Vivian, J. E.
Waddington, H. S.
Wood, Col. T.
Wortley, hon. J. S.

TELLERS.
Young, J.
Pringle, A.

Mr. *C. Buller* proposed an Amendment, to the effect that testamentary matters should be taken out of the jurisdiction of Ecclesiastical Courts, and referred to the Common Law Courts, or the Court of Chancery. He looked on it as a disgrace to the jurisprudence of England that, in the year 1844, it should be necessary for anybody to move that such subjects as wills should be taken from the Ecclesiastical Courts and given to the competent judges of the Civil Courts. The law now maintained this absurdity, that the will of one man was two documents, one relating to his personal, and another to his real property. This had its origin in the times when real was the only property in the kingdom, and when extensive mercantile incomes, shares in companies, and 30,000,000*l.* from the funds were never dreamed of. He approved of a probate of wills, but thought there would be no difficulty in attaching such a system to the Common Law Courts, or the Court of Chancery. In the case of real property, however, Doctors' Commons had no jurisdiction. But was it not preposterous, that the same identical document should be inquired into before different tribunals, which were not amenable to the same court of appeal? Take the will case of Mr. Wood, of Gloucester. It had given rise to much litigation; and as Mr. Wood had left personal and real property, the Privy Council might hear the Appeal in one case, and the House of Lords in the other. The will might be held good in one court and a forgery in the other. He had the testimony of the Real Property Commissioners that the time was come when the jurisdiction of the Ecclesiastical Courts should be put an end to. Was there anything in the

character of those concerned in the business of those Courts, that could induce men to submit to such an anomaly? It was notorious that the proctor's judgment was not trusted on points of law, and that the only effect of their business was, to add to the fees. Their modes of conducting a legal inquiry through interrogatories, was also a source of great expense. But it was said, that Doctors' Commons was composed of men who soared above the prejudice of mere municipal law; and who, being versed in that civil law which was the foundation of the general laws of most European states, were frequently able to enlighten the public with their views on great international questions arising in the Court of Admiralty and elsewhere. He did not speak disrespectfully of this body, because, though he wished to put an end to their existence, he should do so in the most respectful manner. If it was desirable to keep up a body of men to cultivate a branch of abstract science, it was all very well to send them to schools or elsewhere, where they could indulge in this intellectual exercise; but it was monstrous to make the people pay for that which was of no benefit to them. It was strange that these learned doctors were never consulted on that Roman law, of which we were told they had an exclusive knowledge. It so happened that he practised a little in a court where questions arising in Ceylon, the Cape of Good Hope, &c., were litigated. Now, these arose out of Dutch law, founded, as every body knew, on the Roman. Again, questions of Scotch law came there, also founded, in a great degree, on the Roman. Now, if there was the great proficiency supposed in these learned doctors, in all such cases doctors would be seen coming in to expound the laws of the Romans. He believed he might appeal to his learned friends the doctors in that house, whether since Dr. Lushington had retired, a learned doctor was ever seen to practise in the court alluded to? The fact was, the public looked to minds practised in general judicial questions in preference to any such select body as those learned doctors.

Dr. *Nicholl* said, this question would be raised on a further stage of the Bill by the right hon. Member for Devonport (Sir G. Grey), who had given notice of a Motion for that purpose. [Sir *G. Grey* said, he had no notice on the Paper to that effect.] He must in that case meet as well as he could the Motion of the hon. and learned Gentleman, though it was rather a surprise upon him. This jurisdiction had been exercised from time immemorial by the Ecclesiastical Courts. [Mr. *Hume*—As a remnant of Popery.] It might be a remnant of Popery or anything else, but having been so exercised, he conceived that the House and the Legislature would not be disposed to transfer the jurisdiction unless it were shown that it had been inadequately exercised by those Courts hitherto, or that the transfer would be attended with great and decided advantage to the public at large. He believed it wa granted that the Superior Courts of London had done their duty satisfactorily. Including all sorts of business the expenses of the Ecclesiastical Courts were not so great as in matters of similar importance in the Courts of Common Law. The suitors were satisfied in the great majority of cases, and the judges of the Common Law Courts had frequently declared, in cases which they had had to examine, their satisfaction with the decisions of the ecclesiastical judges. Very few cases had been appealed in which judgment had been reversed. Their cases were brought to a decision as speedily in the Superior Ecclesiastical Courts as in the Courts of Common Law. That was proved by the evidence taken by the Admiralty Courts Committee. The petitions for an alteration of the system had been sent up for the most part from persons who were directly interested in the question. He had received that morning, from a solicitor in his neighbourhood, a copy of a circular form which had been sent into the country by the solicitor's agent in town. That showed the way in which these petitions were got up. On the whole, he was altogether opposed to the Motion.

Mr. *W. H. Watson* thought the public ought to have to pay only one set of lawyers. It was certainly a very fascinating plunder to plunder the estates of deceased persons, and that he supposed was a reason why they should be plundered right and left. The object of the Bill before the Committee was, to perpetrate the most offensive kind of plunder that ever was perpetrated. Supposing, for instance, the right hon. Gentleman who last addressed the House were to say in his will, "I devise all my real and personal estate to A. B." [Lord *Stanley:* "To Mr. Watson."] He thanked the

noble Lord. Well, immediately all kinds of expenses of *caveats*, proctors' fees, examinations in a private room in the country, and other matters were to be met, before what was called probate of the will could be granted. The will was disputed, the sanity of the testator was called in question, and then they came to another system of law. The common lawyers then came in, and they came to a legitimate mode of litigation, and examined witnesses *viva voce* by cross-examination in the face of a jury. The question was tried after perhaps five years, or it might not be till nineteen years, and till after the party had sold his estate four or five times over. He gave country gentlemen notice that their estates were left open to the litigation of the common lawyers for nineteen years, 364 days, and some hours after they might have obtained them by will, though they might have changed hands many times. They first went through Doctors'-Commons for the personalty; then, if disputed, the will was taken to the Common Law Courts, and at last it was carried to the House of Lords to have some question determined upon it; but they did not end there, for they wanted to know what it all meant, and they then went to Chancery to determine its meaning. Then they had to litigate another question—the trusts of the will, which the Court of Chancery had to determine. Really, at this period, they ought to have one tribunal to determine these questions, either by Judge or Jury, and for the purpose of establishing wills.

Mr. *Jervis* thought it was not fair to pick out one or two isolated cases upon which a will was subject to be contested, and to forget the advantages generally to the public in having cheap local courts for the administration of wills. The hon. Member for Liskeard, and those who supported him, voted for the Bill of last year, which went to centralize the courts which they now wished to abolish; this, certainly, was not very consistent. The Bill under the consideration of the House, would provide local courts open to every body, and there would also be local registry accessible for immediate inspection. These he thought to be great advantages.

Mr. *Hume* would support the amendment of the hon. Member for Liskeard, and wondered that such strenuous churchmen as the hon. Gentlemen opposite were so willing to support abuses which were the relics of Popery.

Sir *R. H. Inglis* maintained, that the practice of the Ecclesiastical Courts for cheapness and rapidity had the pre-eminence by far over the practice of Chancery. Out of 10,000 cases of wills that passed every year through these courts, not 200 became the subjects of subsequent litigation. The hon. Member for Montrose knew perfectly well that, though the Bishops nominated the Judges of the Ecclesiastical Courts, they had nothing whatever to do with the administration of the law. He should oppose the Motion.

Mr. *Elphinstone* said, that all business connected with wills in Doctors'-Commons was exceedingly well done, and the charges were much less than they would be in Courts of Equity, and in his opinion, the proposition of the hon. and learned Member for Liskeard would have the effect of increasing the grievances complained of rather than of diminishing them.

Mr. *Roebuck* observed, that it had been admitted by his hon. and learned Friend that these courts, as regarded testamentary cases, were only another stage in the proof of the validity of a will. If this was the case, the continuance of these courts was only to impose an enormous expense without the least necessity, as they were told that the final decision rested in the Court of Chancery. He saw no necessity for proving the validity of a will through the medium of an Ecclesiastical Court. He should, therefore, vote for the amendment of his hon. and learned Friend.

Mr. *C. Buller* observed, that the only question was whether the two courts should decide the validity of a will or one. His hon. and learned Friend the Member for Lewes said the expense would be less; and the hon. and learned Member for Bath, that it would be greater. The Committee must decide between these conflicting opinions.

The Committee divided on the question that the words proposed by Mr. C. Buller be inserted.—Ayes 58; Noes 121: Majority 63.

List of the Ayes.

Archbold, R.	Buller, E.
Baring, rt. hn. T. F.	Busfeild, W.
Bowes, J.	Butler, P. S.
Bowring, Dr.	Cavendish, hon. G. H.
Brotherton, J.	Chapman, B.

Christie, W. D.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Denison, W. J.
Duncan, G.
Duncannon, Visct.
Easthope, Sir J.
Ebrington, Visct.
Ellis, W.
Evans, W.
Forster, M.
Fox, C. R.
Hawes, B.
Hume, J.
Hutt, W.
Leveson, Lord
Mitcalfe, H.
Mitchell, T. A.
Murray, A.
O'Connell, M. J.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Pendarves, E. W. W.
Philips, M.
Plumridge, Capt.
Pulsford, R.
Redington, T. N.
Roebuck, J. A.
Scholefield, J.
Scott, R.
Shelburne, Earl of
Smith, rt. hon. R. V.
Stansfield, W. R. C.
Stuart, W. V.
Strutt, E.
Talbot, C. R. M.
Trelawny, J. S.
Troubridge, Sir E. T.
Vane, Lord H.
Vivian, J. H.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, W.
Wilshire, W.
Yorke, H. R.

TELLERS.

Buller, C.
Watson, Mr.

List of the NOES.

Acland, T. D.
Adare, Visct.
Alford, Visct.
Allix, J. P.
Baird, W.
Barrington, Visct.
Baskerville, T. B. M.
Bodkin, W. H.
Boldero, H. G.
Bowles, Admiral
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buck, L. W.
Cardwell, E.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Clayton, R. R.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Davies, D. A. S.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Du Pre, C. G.
Eliot, Lord
Elphinstone, H.
Estcourt, T. G. B.
Ferrand, W. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Forbes, W.
Freemantle, rt. hn. Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Goulbourne, rt. hn. H.
Graham, rt. hn. Sir J.
Granger, T. C.
Greenall, P.
Grimston, Visct.
Hale, R. B.
Hanmer, Sir J.
Heathcote, Sir W.
Henley, J. W.
Henniker, Lord
Herbert, hon. S.
Hollond R.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
James, Sir W. C.
Jervis, J.
Johnstone, Sir J.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lascelles, W. S.
Lennox, Lord A.
Lincoln, Earl of
Lopes, Sir R.
Lowther, hon. Col.
Lyall, G.
M'Geachy, F. A.
Mackenzie, W. F.
McNeill, D.
Manners, Lord C. S.
Master, T. W. C.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Mundy, E. M.
Neeld, J.
Nicholl, rt. hon. J.
O'Brien, A. S.
Owen, Sir J.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Plumtre, J. P.
Pollington, Visct.
Pusey, P.
Rashleigh, W.
Round, J.
Rushbrooke, Col.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Shirley, E. P.
Sibthorpe, Col.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stock, Mr. Serjeant
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Mr. Ald.
Trench, Sir F. W.
Vesey, hon. T.
Waddington, H. S
Wood, Col. T.

TELLERS.

Young, J.
Pringle, A.

Mr. *Brotherton* moved, that the Chairman report progress.

Mr. *Jervis* wished that the House would agree to get through this Clause at least.

Mr. *Warburton* hoped that his hon. Friend would press his Motion. It was desirable that the Clause, as it had been amended, should be printed before they proceeded further.

Sir *R. Peel* observed, that that was the 31st of May. There were eighty-three clauses in the Bill, and as that was the first Order Day after the recess, he hoped that they would be allowed to pass at least one Clause, as there were only three or four lines more to be got through.

The Committee divided on the question that the Chairman do report progress.—Ayes 45; Noes 88: Majority 43.

Dr. *Bowring* moved, that the Chairman do leave the Chair.

The Committee again divided.—Ayes 39; Noes 82: Majority 43.

List of the AYES.

Archbold, R.
Brotherton, J.
Buller, C.
Busfeild, W.
Butler, P. S.
Chapman, B.
Christie, W. D.
Collett, J.
Collins, W.
Duncan, G.
Easthope, Sir J.
Ebrington, Visct.
Ellis, W.
Elphinstone, H.
Evans, W.
Forster, M.
Granger, T. C.
Hawes, B.
Hume, J.
Leveson, Lord
Mitcalfe, H.
Mitchell, T. A.
O'Connell, M. J.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, M.
Redington, T. N.
Roebuck, J. A.
Scholefield, J.

Shelburne, Earl of
Stansfield, W. R. C.
Strutt, E.
Stuart, W. V.
Tufnell, H.
Wakley, T.
Watson, W. H.
Williams, W.
Wilshere, W.

TELLERS.
Bowring, Dr.
Warburton, H.

List of the NOES.

Baird, W.
Barrington, Visct.
Baskerville, T. B. M.
Bodkin, W. H.
Boldero, H. G.
Bowles, Adm.
Broadley H.
Bruce, Lord E.
Cardwell, E.
Clayton, R. R.
Clive, Visct.
Clive, hon. R. H.
Codrington, Sir W.
Corry, rt. hn. H.
Cripps, W.
Darby, G.
Davies, D. A. S.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Du Pre, G.
Eliot, Lord
Estcourt, T. G. B.
Fitzmaurice, hn. W.
Forbes, W.
Fremantle, rt. hn. Sir G.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimston, Visct.
Hale, R. B.
Hanmer, Sir J.
Heathcote, Sir W.
Henry, J. W.
Henniker, Lord
Herbert, hon. S.
Hope, G. W.
Hughes, W. B.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lascelles, hon. W. S.
Lennox, Lord A.
Lincoln, Earl of
Lowther, hon. Col.
McGeachy, W. F.
Mackenzie, W. F.
M'Neill, D.
Mastermann, J.
Meynell, Capt.
Morgan, O.
Morris, D.
Neeld, J.
Nicholl, rt. hn. J.
O'Brien, A. S.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Pollington, Visct.
Rashleigh, W.
Rushbrooke, Col.
Ryder, hn. G. D.
Sandon, Visct.
Sibthorp, Col.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Sutton, hon. H.
Talbot, C. R. M.
Taylor, J. A.
Tennent, J. E.
Thesiger, Sir F.
Vesey, hon. T.
Waddington, H. S.

TELLERS.
Young, J.
Pringle, A.

[These lists being much the same as the lists immediately preceding, and the divisions being on an exactly similar Motion, it is thought unnecessary to give the former.]

Mr. *J. Collett* moved, that the Chairman do now report progress.

Dr. *Nicholl* said, that he saw that it was useless for him to persist; he, therefore, would not trouble the Committee to divide.

The House resumed. Committee to sit again.

House adjourned at a quarter to one.

HOUSE OF LORDS,

Monday, June 3, 1844.

MINUTES.] BILLS. *Public.*—2ª. Courts Martial (East Indies); Stamp Duties; Assaults (Ireland).

3ª. and passed:—Factories; Customs; West India Relief; Edinburgh Agreement.

Private. — 1ª. Stratford (Eastern Counties) and Thames Junction Railway; Slamannan Railway; Ventnor Improvement.

2ª. Cwn Celyn and Blaina Iron Company; Sheffield United Gas; Manchester Royal Infirmary; Swansea Harbour.

Reported. — Irvine's Estate; Coventry Water Works; Manchester, Bury, and Rossendale Railway; British Iron Company; Wells Lighting and Improvement; Sidmouth and Collumpton Road; Salford Improvement; North British Railway; Birkinhead Improvement; York and Scarborough Railway.

3ª. and passed:—Farrington and Cwmgilla Inclosure.

PETITIONS PRESENTED. From County of Cumberland, for Alterations of Hours of Labour in Factories.—From Sir Charles Chad, Bart., and George William Chad, Esq., of the County of Norfolk, against the Wells Lighting and Improvement Bill. — By the Duke of Buccleugh, and the Marquess of Normanby, from Dunbar, and 5 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Artists of Dublin, for Legalizing the Proceedings of Art Unions.—From Lochmaben, and Jedburgh, for Improving the Condition of Scotch Schoolmasters.—By the Earl of Cawdor, from Cardigan, and 5 other places, against the Union of St. Asaph and Bangor.

WOOL DUTIES.] Lord *Kinnaird* said, he would beg to ask the noble Duke (the Duke of Richmond) sitting on the cross benches, now that he had got the Report on the Wool Duty, and considering an appointment which had been recently made, whether he intended to make any Motion on the subject; as, if he did not, he (Lord Kinnaird) would take it for granted that the noble Duke was satisfied that the interest of the Wool-grower was not to suffer. He would also, referring to a statement which had been made by the noble Duke, beg to move for a return of the quantity of Salmon imported into the United Kingdom since the new Tariff. The noble Duke had stated the other night, that the rent of his salmon fisheries which were let, before the new Tariff for 8,000*l.* a-year had since the new Tariff been let for 2,000*l.* a-year less. It might be a question, perhaps, whether they were not let at too high a rent before, and independently of the Tariff, whether the rent might not have been reduced, for he believed that only 800 cwt. of foreign salmon had been brought into this country since the Tariff. He would, therefore, move for a return of the quantity of Salmon imported into the United Kingdom since it had been admitted at the ten shillings duty.

The Duke of *Richmond* said, a more extraordinary course of proceeding than

that adopted by the noble Lord on this occasion had never been taken even by the noble Lord himself. First, the noble Lord had adverted to the Wool Duties, and asked what he meant to do on that subject? Why, every one knew what he had stated in answer to his noble Friend the Vice-President of the Board of Trade, when the subject was before the House. He, on that occasion, plainly stated what his intentions were. Why, then, did the noble Lord ask this question? He would not permit the noble Lord to deal with him by insinuation. "If" (said the noble Duke) "the noble Lord has a charge to make against me, let him make it, and make it against me like a man. But it is contrary to the practice of this House, and contrary to the practice of society, to proceed as the noble Lord has done. It is contrary to the practice of this House that the noble Lord should descend to make insinuations—" [Lord *Kinnaird*.—I did not mean—]The Duke of *Richmond*.—"I beg the noble Lord to hear me; he can reply afterwards. What does the noble Lord mean by alluding to a recent appointment? Does the noble Lord suppose, that I would suppress my opinion because an appointment was given to one of my family last week?—because a brother of mine has been made a Lord of the Treasury? Does the noble Lord believe that my mouth is to be gagged in this House, because my brother has accepted that office? I say that this is not an honourable or manly course of proceeding. I beg to say that no offer was made or was attempted to be made. I knew nothing whatever of the appointment of my brother to the Lordship of the Treasury until after he was offered the situation. He came to me and asked my advice, and my answer to him was, 'I think you had better remain as you are, in the command of your regiment. You are the best judge; but I would not take office, because I would not be bound to vote for all the measures of Government.' My brother was differently disposed, and agreeing with Ministers more than I did, he accepted the appointment. But, without taking any credit to myself, I think it will hardly be supposed that I would suffer myself to be biassed by such a consideration as this, when it is known that I gave up office as a Cabinet Minister because I could not concur with my colleagues." With respect to the Wool Duties (continued the noble Duke), he should say nothing further now, because he meant to speak regularly on the subject, when the third reading of the Customs' Bill was moved. He had seen the return relative to the importation of salmon, which had been alluded to by the noble Lord, from which it appeared that a very small quantity of salmon had been brought in under the new duty; but that did not satisfy him that a great deal more had not been brought in in another manner. The noble Lord said that, in his opinion, the fishery to which allusion had been made had been rented at too high a rate. He could only say he believed the rent was not too high, and he was sure his tenants would have continued to pay the rent had it not been for the Tariff. He made the agreement with them for the rent some years since, and good security had been given for its payment. The early fishing paid better than the fishing later in the season, and it was the early fishing which was interfered with by the salmon imported from Holland. The foreign fish were certainly the largest, and people were attracted by their appearance; but when they tasted them they found out that they were not as good as the Scotch salmon. He could have no objection to the returns for which the noble Lord had moved, or any other. His opinion was, that all the alterations of the Tariff were injurious. He should not, however, be gagged in the expression of his opinions by the insinuations of an Anti-Corn Law Leaguer, or any other man.

Lord *Kinnaird* said, that so far from meaning to insinuate that the noble Duke would suffer himself to be "gagged" by the appointment of his brother to office, he knew perfectly well that the noble Duke was far above any considerations of the kind. He only mentioned the appointment at th moment, as, considering the noble Duke to be the leader of the agricultural interest, it might be supposed as indicative of his approval of the Government measure.

The Duke of *Richmond*: I am not the leader of the agricultural party. I follow my own opinion. I am very happy, however, when that party agrees me; but I do not think that the great body of agriculturists do agree with me on the subject of the Wool duties.

Subject dropped.

Factories Bill.] Lord *Wharncliffe* moved the third reading of the Bill.

The Earl of *Radnor* expressed his disapprobation of all meddling interference with the labour of the people. He denied the labour of females in factories was so severe as it had been represented, or as the labour of women in other stations of life. It was argued, that the hours of labour ought to be abridged, in order that time might be afforded for the education of children, and other domestic purposes. He also wished for the education of children, but he would provide for it by legislating in a different way: he would remove all restrictive duties from articles of consumption of every description, by which less labour would be necessary for subsistence, and the necessary leisure would thus be afforded for instruction.

The Duke of *Sutherland* rose merely to express his regret that the shorter period of labour had not been sanctioned by the other House of Parliament, than that which the Bill in its present shape proposed. He was of opinion, that if the hours of labour had been limited to ten instead of twelve, the measure would have given greater satisfaction. He should be very glad, if he thought it could be done with safety, to trust to the progress of civilization to shorten the hours of labour for women; but he feared that that was an argument which could not be much relied upon.

Lord *Brougham* rose to enter his protest against the passing of the Bill. He entirely agreed with what had fallen from his noble Friend (the Earl of Radnor) upon the subject of the Bill; but he wished to guard himself against the supposition that he was not possessed as strongly as any man could be possessed, either in that House or out of that House, either out of doors or in doors, with a feeling of deep sorrow that either young children should be employed by their parents in work beyond their years, or that they should be employed in working at all when it might be more advantageous for their moral health and their physical strength that they should be engaged in education—still more strongly perhaps did he feel upon the part of women; but unfortunately he laboured under the impossibility of seeing how that desirable object could be accomplished except by the natural spontaneous progress of society, which, as it proceeded, would inevitably prevent females from engaging in labour not suited to their sex, and might allow children to be taught before they laboured. He believed that interference with capital and with labour, on the contrary, stayed the progress of society, deterred the advance of civilization, and did the very thing which it desired not to do—prevented the arrival of the time when, by the dispensation of Providence, the advance of society would rescue women from hard work and children from any work at all. For this reason he was against all such legislative interference with the employment of capital and with human industry. As long as men were allowed to use their capital as they pleased, to exercise their labour in the way best suited to their strength, best calculated to secure their health, in the manner most subservient to their comfort, and generally speaking, most in accordance with their own interests, two great advantages were secured, and two great securities against mischief were obtained. The matter was left in the hands of those who must necessarily be best acquainted with all the particular circumstances which affected the question, and who best knew upon what labour and capital must depend, whilst the state could only see these things at a distance, obscurely and confusedly, and had therefore not the means, even if it had the desire, to promote the interests of each individual of the community entrusted to its care. He had, it was true, much against the wishes, indeed against the remonstrances, of his dear and venerated Friend Sir Samuel Romilly, supported the Bill of the late Sir R. Peel, limiting the age of persons working in factories; he never but once regretted having supported that Bill, and that once was all his life; many years had not elapsed from limiting the age till it was proposed to limit the time — when it was proposed to limit the hours of labour to twelve; no sooner was that conceded than up get others and ask for ten hours; no sooner did they exclude females from working in mines than they were told that it was not sufficient, and that they must be excluded from factories also: so that a woman of thirty or forty years was to be treated as if she had committed a misdemeanor, and was to be protected against herself, because, forsooth, she was unable to judge how long she ought to work, or whether she ought to work at all or not. They said to the manufacturer, too, that he shouldn't work above twelve hours; they said, "We are all-wise, we

are all-powerful, we'll take the matter out of your hands, we know all about it, and though you say it is the last hour that makes your profit, we say it is no such thing—we know better than you." That was the lamentable consequence of necessarily ignorant legislation; and ignorant and foolish men alone dabbled in other people's employment. It was their Lordships' trade to make laws; it was the manufacturers' to work mills, and their Lordships had no more right to interfere with them than they (the manufacturers) had to interfere with the task of legislation, or to say to their Lordships, "You know nothing of law making and we'll tell you all about it, because we understand it better than you; you say you know more about carding and wool-combing, because you are the more speculative class of the two; we say that we know more about law making because we are the more practical class of the two." It had been said that the labouring operatives were clamorous for this Bill — they might be if they were told that they were to get 10*s.* for ten hours' work, and 10*s.* for twelve hours' work; but that was not the fair statement of the question; if they were told in a straightforward manner that they would get 10*s.* for twelve hours' work, and 8*s.* for ten hours' work, he would be bound that no more would be heard of their cry for reducing the hours of labour. The effect of this Bill was to compel twelve hours' work and no more—others wanted to have ten hours and no more—he wanted to let the people work just as long as they pleased. Why call for a Ten Hours' Bill on their behalf? If we leave the question open, every man had a Ten Hours' Bill already; he might work ten hours if he pleased, and no power on earth could make him work more unless he liked—no man need work longer than he pleased. He (Lord Brougham) stated these opinions without the slightest chance of their at present succeeding. All he feared was, that this Bill might not be the last; and his only hope was, in making his protest against the Bill, that they would not sanction any further and new departure from sound principle. One word as to the state of the foreign market. America, situated in the immediate neighbourhood of the raw produce—America, with a daily and hourly increasing population, without the possibility, so rapid was its progress, of our being able to tell how far it would go—America, with all these advantages, was beginning, and had made already considerable progress in manufactures (as the case of the flourishing town of Lowell clearly evinced)—America with all these natural advantages and with no political drawbacks, with no such sentimental laws, with no such mischiefs in political economy to grapple with, with no such legislative evils to contend against — America was one, but not the only rival, which had of late years been called into existence. With Flanders, Switzerland, Holland, Germany, and France also, all free from a Ten Hours' Bill, free from the meddlings of the economist and the sentimentalist, our manufacturers would have to run the race of competition —with them our manufacturer and our labourer would have to contend, and he hoped they would have a good deliverance from the contest; but if he did expect that they would be well delivered from it, it was by hoping that they would have a good deliverance from bills like this; for sure he was that they could not expect a deliverance from the contest, speedy and sure, unless they were delivered from all such trammels upon industry and capital as this Bill imposed. It was the most cruel of all injustice, the grossest of all delusions, the most scandalous of all deceptions, in the case of those who knew better themselves, and yet propagated the belief, that there was a difference between the interest of the manufacturer and of the workmen, workwomen, and children in his employ. Good God; if ever two things were more strictly, more necessarily connected, nay more absolutely identical than any other two things, it was the eternal interest of one of those classes and the equally lasting interest of the other, and in exact proportion as the interest of the manufacturer was promoted, in exact proportion as his capital was fostered by the care of legislation—by which he meant that most valuable and precious care of leaving him alone—in exact proportion as such fostering care of non-intervention augmented the store and increased the capital of the manufacturer, in precisely the same proportion, by the same steps, in the same measure, to the same degree, and with the same swiftness of progress, must be increased the profit and the comfort of the women, of the children, and of the workmen; because, whatever increased his capital, and enabled the manufacturer to flourish, must of absolute necessity increase the only fund out of which the wages of labour could be maintained, and

the only employment of all capital was of necessity the maintaining of labour; and, upon the other hand; whatever impeded the progress of the capitalist towards wealth —whatever interfered with the laying out of his capital and the employment of his skill, whatever touched the great main-spring of the social machine—labour, of necessity lowered the rate of that capital's increase, retarded the progress of the capitalist, by so doing diminished the labourer's fund, and by that diminution of the labourer's fund diminished at the same time both the comforts and the moral happiness of that most important class. For these reasons, if this Bill passed, he should feel it to be his duty to place a protest upon the journals of the House.

The Marquess of *Normanby* differed so entirely from his noble and learned Friend who had just spoken, as well as from his noble Friend who had commenced the present discussion, that his support was founded on the hope that it would not be the last; for he did not believe that it at all went the length which alone could render interference unjustifiable. It was absolutely essential that some such Bill should receive the sanction of the Legislature, and he could not believe that any such evil consequences as they had shadowed out would follow. He should confine himself, in the few observations which he thought it necessary to make, to the actual effect of the Bill at present before the House. If he could agree with his noble and learned Friend, that they might, with perfect safety and justice to the labourers, leave the matter in the hands of the masters, he confessed that would afford a groundwork for the argument of his noble Friend, who contended that it was unwise and impolitic to interfere. But that he thought could not with perfect safety be done; otherwise, why had not the masters already conceded to what he believed to be almost the unanimous wish of the working classes themselves—the proposal for a Ten Hours' Bill? But what was it that his noble Friend complained of? What was the limitation that this Bill authorized? The labour of women was to be limited to twelve hours—that was to say, that with one and a half hour for meals, they would be thirteen and a half hours in the factory; and if one and a half hour further were allowed for going to and returning from the mill, but nine hours would be left out of the twenty-four for the performance of all domestic duties, for recreation, rest, and improvement. The whole existence of those persons engaged in factories—in a moral point of view, as well as with reference to physical repose—depended upon the interval between the work of one day and that of another. That fact was never to be lost sight of, and the question which their Lordships were bound to ask themselves was this,—did they conscientiously believe that that quantity of repose was by any means sufficient to secure the relaxation and rest which under the circumstances it was the duty of Parliament to provide for that class of Her Majesty's subjects? It had been by some noble Lords supposed that the House was legislating in utter ignorance of the subject to which the present measure referred. So far from conceiving them to be in ignorance on such a subject, he felt assured that they had read the Reports of the Factory Inspectors; and he thought he might venture to say that those who had read those Reports could not fail to feel satisfied that the opinions of the Commissioners constantly tended to a further limitation of the hours of labour. The present was a subject upon which it was not necessary that he should trouble the House with details, for he doubted not that many noble Lords who then heard him had made themselves masters of the statements and observations contained in the Inspectors' Reports. The noble Lord had told the House that the progress of civilization would provide a cure. The noble Earl must surely speak in ignorance of the fact, for no one fact had been more clearly established than that the number of women working in factories had been doubled and quadrupled within the last few years. Out of 6,000 hands added to the factories, 5,000 were women. So much then for the effect of civilization as far as curing the evil was concerned. He remembered how often they had been told that they were legislating in ignorance—that they had not studied the subject. He hoped their Lordships would allow him to say, that he, at all events, had endeavoured to make himself acquainted with the condition of the working classes from the moment that he undertook the duties of that office which was more immediately connected with the domestic government of the country. But he should not now occupy their attention with the details of his own experience, he should rather direct their consideration to the opinions of Mr. Baker, one of the Inspectors of Factories, on the subject of the limitation of female labour. It was that

Gentleman's opinion, that if people must work long hours, men, not women should be employed—women should not be kept at work when men did nothing. With women the question of labour was not voluntary. "God help them!" he said, "they dare not refuse to work." This was not the statement of a visionary sentimentalist, but of an able man, thoroughly conversant with the facts. The House should recollect that they were now dealing with a population which the manufacturing system of the country had created in particular districts. That population, in the present state of the country, were not allowed any choice. He remembered having more than once heard it said that the factory women were in no worse a condition than housemaids. He could not suppose that any noble Lord meant seriously to urge any such statement as an argument against the Bill; could factory women change their employers when they thought proper as housemaids could? The laws of the country and the manufacturing system tied those poor people to one part of the country and to one species of occupation, and they were therefore of necessity wholly in the power of one sort of employer. When it was said that there was really no case for legislative interference, he asked their Lordships to look at the real state of the question. He believed, for the first time in the history of the world, human labour now formed a necessary portion of the work of a machine: human labour assisted the steam-engine, which had no limit to its power and no duration to its efforts. Agricultural labour must be limited in duration by the light of the sun; but, owing to the invention of gas, the steam-engine went on without ceasing; and he believed it was to the invention of gas that the system of extra hours owed its existence. The late Sir Robert Peel, who had made his fortune in the trade, left on record this:—"If the system of working women and children in factories was allowed to continue, the manufacturing interest, instead of being a blessing, would prove to be the bitterest curse to the country." The noble Lord and the noble and learned Lord talked as if the condition of the factory population was all that could be desired. In the course of conversation in Committee, he (Lord Normanby) stated certain facts on authority which could not be denied. The noble Earl (Lord Radnor) talked of bringing a blue book, relating to the agricultural districts, to contrast with these facts. But he (Lord Normanby) admitted the existence of evils in the agricultural districts. He admitted there was much destitution, and great crowding in some parts of those districts. But when the noble Lord talked of comparing the condition and mortality of the population of the agricultural districts with the population of crowded cities, he would say that for one instance of destitution and demoralisation in the agricultural districts, one hundred instances might be produced from the manufacturing localities. In the north riding of Yorkshire compared with Rutland, the number of men above 50 years of age was as 17 to 10 in favour of the agricultural district. The deaths of children under one year was as 17 to 10 against the county of Lancashire compared with Rutland. And when he referred to the county of Lancashire, it must be recollected that he took a favourable view of the question, for a great part of Lancashire was agricultural. It was next said, the people were better informed in the manufacturing districts than they were in the agricultural districts. He would prove this to be a fallacy by referring to the Report of the Register General of Marriages, who stated that the marks of women married were, in the county of Lancashire, of the proportion of 67 in every 100. Now in Yorkshire, Dorsetshire, and Rutlandshire, the average was only 38 in 100. So, therefore, it was clear that ignorance among females in the manufacturing districts was 5 to 3. The difference between the West Riding and the North Riding of Yorkshire was also very striking. In the West Riding, where extra employment was said to be given to the operative, the marks were 67 in every 100. In the North Riding, where agriculture was predominant, the proportion was 38 in every 100. So the difference was 5 to 3 against the manufacturing districts. They had, however, been told that it would be as well to leave the question alone; that these matters were better settled between the employer and the employed than by the Legislature. He was very far from saying that all the complaints made against the masters were well founded; and he was of opinion that the worst friend of the labouring classes was that man who endeavoured to pursuade them that all the evils under which they laboured could be cured by legislative interference. But when he was told it was the only just and proper course to leave these matters to be arranged by

the employers and the employed, and that if the masters were now allowed to work 16 hours a day they would have such a fund in hand as would enable them to work only 8 hours at some future time, he begged to ask whether this was very likely to occur, or was there any reason to believe that the masters would voluntarily reduce the hours of labour. He did not think it was always the best policy to interfere between the employers and the employed, because it sometimes bred ill-feeling; but there were circumstances which sometimes justified this interference. His noble Friend (Lord Radnor) belonged to an Association which adopted a course which he (Lord Normanby) did not think the best for carrying out these principles but to whom it would be impossible to deny the possession of great wealth, industry, and perseverance. This Association had been most actively engaged in a recent election, and, in order to accomplish their views, they raised a cry which was most likely to excite and engage the sympathy and support of the working man. But he had heard from undoubted authority that amongst the lower orders there was not the slightest appearance of sympathy with or interest taken in the cry thus raised. This was significant of the want of cordiality between the employer and employed, and it was one reason why the Legislature should not interfere too rashly. When, however, it was said that we were now beginning, in 1844, for the first time, to interfere with labour, he would say that the real interference was commenced in 1816, by the Committee before which the late Sir Robert Peel was examined: in giving his vote for the third reading of this Bill, he would regret if it did not prove to the working classes that great benefit would be conferred on them, and not the least of those benefits that their labour would be confined to 12 hours. So strong, indeed, was his own conviction of the propriety of this limitation, that if he had stood alone, he would equally have felt it his duty to give an opinion as strong as he had now done.

Lord *Wharncliffe* said, it had been attributed to him that he had said on a former occasion, he had reason to believe the principle of interference would soon be carried still further, and that women would be prevented from working in factories at all; he begged to declare, he said nothing of the kind. What he did say, was this—that at the beginning of the manufacturing system, it would perhaps have been wiser had women not been allowed to work in the factories; but that the evil had now got too far to be easily remedied. He merely made those remarks in a speculative point of view. Undoubtedly, a great portion of the riches of this country had flowed from manufactures—but then the country paid a terrible price for its prosperity. He was old enough to recollect a different state of things as regarded our manufactures; and he must say that the country was then much happier than it was now. In the West Riding of Yorkshire, instead of mills and factories, the people had what might be called domestic manufactures; each dwelling was a little mill where their wives and children could earn a comfortable living, without sacrifice of health and morals; the husband wove, and the wife spun, but still she had time to attend to her maternal and household duties. She was not, as now, confined in a factory, with nothing else to do but to tie knots in worsted, but she had time to mend her husband's clothes and to cook his dinner. The factory women of the present day could do nothing of the sort—they could do nothing beyond tying knots in worsted. It was a common saying of a man in the manufacturing districts, "God forbid that I should marry a woman out of a mill." And the reason was because these factory women knew nothing—they had no knowledge how to make a home comfortable. So he said we were paying a great price for the prosperity of our manufactures, but then he admitted it was too late to think of abolishing the system now. The noble Lord opposite told the House to wait until the "progress of civilization" cured the evils which he admitted were in existence. But what did they see about them at that very moment? What was the result of all the civilization we had attained? Was it not that every one was trying to make as much money as he could? Was not the struggle going on—a struggle to produce as much as possible by means of cheap labour? Let the noble Lord look back during the last thirty years, and see the increased number of women engaged in manufactories. The system in some instances had reached its climax, for some of the mills were entirely worked by women—men were entirely excluded. The result had been the demoralization of the women—not in the immoral sense only did he use the word—but he meant that the women adopted the manners and habits of men; they met in clubs, they drank to-

gether, and instead of fetching their husbands home from the public-house, their husbands came to fetch them. And yet with all this in existence, we were to wait, according to the noble Lord (Lord Radnor), until civilization put an end to these evils. But he said they could not wait; the Legislature must proceed forthwith to put the mills and factories under some kind of regulation. It was not correct to say that the manufacturers themselves generally objected to this; the majority of the respectable masters were of opinion that the Bills regulating the labour of children and women did good. It was because Government had procured evidence of the existence of great social evils, the result of the existing system, that they now came forward and asked the House to pass the present Bill. When, however, one noble Lord said he should prefer a ten hour Bill to a twelve hour Bill, he answered, that on a question of this magnitude there must be some difference of opinion. But then the noble Lord was much mistaken if he believed that the operative did not think he was to get as much for his ten hours' labour as his twelve hours'. It would be said, that the question had been put to the operatives whether they would consent to lose part of their wages if they got a ten hours Bill. He knew that these persons (under the impression, however, that the contrary would be the result) had replied they were quite willing to submit to a reduction in their wages. But he was quite sure, if wages were reduced, that the operatives would immediately make an attempt to raise them to the original standard, and it was but natural they should make such an attempt. The present Bill did not infringe on the rights of labour, it only went as far as was calculated to do good, and it would do good in the manufacturing districts. To go further would be to run the risk of injury to manufacturing interests, and this was the reason why he asked the House to support the present Bill.

Bill read a third time.

NIGHT POACHING.] The Earl of *Stradbroke* moved the consideration of the Amendments on the third reading of the Preservation of Game by Night Bill.

The Earl of *Radnor* objected to the Motion, on the ground that the Amendments were different to those which had been determined upon at the last stage of the proceedings.

After some conversation on the point of form,

The Earl of *Radnor* rose and opposed the Bill. It had been said that the existing Act was inoperative, whereas he found that last year only, no less than 236 persons had been committed to gaol under it. Of these, 5 had been sentenced to 15 years, 8 to 10 years, and 31 to 7 years' transportation. Of the remainder, 20 were sentenced to 2 years, 39 to 1 year, and 68 to 6 months' imprisonment; the sentence of 1 was remitted, and 64 were acquitted. But his chief objection to the Bill was, that any three persons who were walking along the turnpike road, if one of them were armed, though it were only with a bludgeon, were liable to be apprehended on suspicion of poaching, and committed for trial to the assizes. Again, he objected to it, that by it all persons authorised in the existing Act—namely, all landowners, occupiers, and their servants, would have power to apprehend, not only on commons and unenclosed places, but on the high road also. He found that the number of commitments for poaching had increased since 1841 from 91 to 236. He thought that this was to be attributed to something more than the love of game. In fact the Report of the Poor Law Commissioners proved that it was to be attributed to the distressed state of the population. He was no encourager of poaching, but he certainly thought it could be best prevented, not by stringent enactments, but by removing the distress which drove people to it. For these reasons, therefore, and considering that the Bill had been hardly heard of before it was proposed for a third reading, he hoped their Lordships would refuse their assent to it.

Earl *Fitzhardinge* thought that a good deal which had fallen from the noble Earl, instead of showing that the Bill ought not to pass, went to prove the necessity for it. The noble Earl had spoken of the number of persons convicted under the Act 9th George IV.; but to make anything of that argument, he should have shown that those persons were unjustly convicted. The sole object of the present Bill was to make the existing Act operative on roads and places surrounding covers, where poachers now, through a defect in the law, carried on their practices unmolested. As to the statement that the Bill was not known to many noble Lords, that must be entirely their own fault, for some time had elapsed

since it came up from the House of Commons, where it was fully discussed, and it had been entered nearly two months on their Lordships' Paper. He had had some experience in these matters, and he could not agree with his noble Friend that distress was the cause of the increase or continuance of poaching. That was a false cry, and one which he denied *in toto*. So far as his own experience, which lay chiefly in his own county, went, he had found that it was not the industrious man in want of employment, who went out poaching, but idle, dissolute fellows who would not work, but who preferred to poach and frequent alehouses. He remembered a case which occurred on his own estate, where an excellent servant was murdered in cold blood, and others were maimed for life. This was done, not by persons in distress, but by dissolute persons, small farmers, who ought to have known better, and it was found that they had been sworn to secrecy by an attorney in the place, for which he was very properly transported. He could not, therefore, allow it to be said, that poachers were men driven to crime by distress, when he knew that they were the very worst class of the community.

The Earl of *Radnor* said, that he founded his statement on the Report of the Poor Law Commissioners.

Lord *Brougham* objected to the slovenly manner in which the Bill was drawn, and said there was a material difference between the enacting parts and the preamble.

After some conversation with regard to the wording of a particular part of the Bill,

Lord *Brougham* recommended that the discussion should be postponed, and the Bill printed for further consideration, as it had come up from the Commons in a very unintelligible state.

The Earl of *Stradbroke* consented to the adoption of this course, and the debate was accordingly adjourned to Monday.

Customs Duties Bill.] The Earl of *Dalhousie* in moving the third reading of this Bill, stated that some of its clauses had reference to the regulation of the Customs, some were for the prevention of smuggling and for affording additional security to the Public Revenue, and one was for the removal of certain duties and the alteration and adaptation of others in order to bring them into conformity with the duties on articles of a similar class. If any noble Lord had any objections to the measure, he should be glad to meet them and give every explanation in his power.

The Duke of *Richmond* said, that the removal of the duty on wool, as proposed by the Bill, would not be attended by benefit to the woollen manufactures of this country. Foreign governments, seeing that our object was to undersell their manufactures, would, as had been the case before, immediately levy a duty on the importation of English woollen goods for their own protection. The Returns clearly proved an increase in the value of the woollen manufactures exported from this country, and, therefore, the reduction proposed was not called for by any necessity. He believed that a great many of the short-wool growers of England would agree with him that this was an inexpedient measure, and that it ought not to pass into a law. He disliked it, because, in his humble opinion, it was another step towards free trade, which, if extended, would be the ruin of the country. If he thought he could have successfully opposed the Bill, and thrown it out, he would have certainly divided the House upon it, but knowing that many of those who agreed with him upon most questions which had a bearing upon agricultural protection, were disinclined to offer any opposition to this measure, he would not now do that which he had never yet done —he would not give a factious opposition to any Government, be that government who they might; but when he saw them going in a wrong direction he would still deem it his duty to rise in his place and state his opinions. There was another Clause to which he must object—that relating to vinegar. The reduction of duty on vinegar from eighteen to four guineas a tun was unfair to the persons engaged in that trade in this country, because, from the process and materials they used, they could not compete with their foreign rivals, and who, if they gave up business, would be able to realise but a very small portion of the capital invested. According to the last Returns, about 3,000,000 gallons of vinegar were made in England every year, and nearly the whole of it from malt; and it was calculated that consequently this Bill would make a reduction of 25,000*l.* a-year from the revenue derived from the malt tax. Now, he did think, that after a

long course of pressure on the agricultural interest, for the benefit, it was alleged of manufactures — after their New Tariff, their New Corn Law, their Canada Corn Bill, their Bonding Bills, &c.—after all this, he must say, that turn about would be only fair, and that they ought rather to take off than add to the pressure on agriculture. To these points of the Bill he entertained the strongest objection, and he only regretted that the opposition was so limited. He regretted the more, because he thought that if Parliament had thrown out the Tariff, they would never have heard of the Canada Corn Bill; and if they threw out the present measure they would, perhaps, not hear of some other Bill making a further progress of the same extent in the course of next Session. He had some time before put a question which had not yet been answered, and he regretted that Government when they proposed this Bill, were not in a position to tell Parliament that the result of their negotiations with foreign countries gave reason to expect, that if we took off the duties on raw materials, foreigners would permit us to send them our manufactured linens and woollens. This, however, was not the case; and strongly disapproving of these successive steps in the direction of free-trade, he should say "Not content" to the present proposal.

Lord *Wharncliffe* said, he could prove to the noble Duke that this reduction of duty on foreign wool would serve his own Southdown wool, and that the former reductions of duty had been productive of good instead of injury to the home wool growers. Since the last reduction there had been a gradual rise in the price of home-grown wool, and the years of the greatest importation of foreign wool had been also the years of the highest price for British wool. With regard to vinegar, he must say, that he did not share in the noble Duke's apprehensions on that head, as he thought that vinegar could be still made cheaper here than abroad. He was a great supporter of protection: but there was a disposition on the part of some persons to take their stand on points on which it was not fit that they should insist.

Bill read a third time and passed.

House adjourned.

The following Protest was entered against the Third Reading of the Factories Bill.

DISSENTIENT—

1. Because all reason and all experience have pronounced clearly and absolutely against interfering by laws with the right which individuals have to employ their capital and their labour according to their own views and their own interest, and so long as no immorality is committed, and no encroachment is made upon the rights of others, all persons are entitled to dispose of their property, and direct their industry as they think most conducive to their own benefit, or their own comfort.

2. Because of the two, labour ought to be the most scrupulously protected from all interference, inasmuch as it constitutes the sole possession and only power of the great bulk of the people; inasmuch as the labourer cannot flee, like the capitalist, from vexatious oppression, and inasmuch as any interference with his free exertion, operates directly upon the great mainspring of the whole social machine, producing consequences which can neither be foreseen nor counteracted, and affecting interests the most serious, extensive, and remote.

3. Because the folly of all such interference with capital and labour is as glaring as its injustice, there being no one truth in any branch of science more incontestible than this —that individuals can judge far better of their own interests, whether as regards their gains, or their health, or their comforts, from their nearer perception and perfect knowledge of all the circumstances upon which their interests depend, than the rulers, who can only see the same things from a distance, and in the general, and it being a truth equally beyond dispute that individuals will always pursue their own interests more unremittingly than the State, which has neither the means of providing for each man's benefit, nor the constant incentive or personal feelings to keep its care and attention ever awake.

4. Because the present means afford a proof how dangerous it is for the Legislature ever to take any step in a wrong direction, and depart from sound principles, under the influence of a temporary pressure, and how inevitable the consequence is, that the mischief will not stop short where it began, for no sooner did the law prohibit the employment of young persons above twelve hours a day, than attempts were made, and proved very successful, to restrict their employment two hours more; and no sooner did the law prohibit adult females from being suffered to work of their own free will in mines, than the present measure declared adult females of all ages incapable of judging for themselves how long they should work in factories, absolutely forbidding them from labouring above a certain number of hours, as if it were an offence in an able-bodied woman of thirty or forty to work as long as she pleased, and ordering her,

under severe penalties, only to earn a certain sum by the day, in return for the labour of her own hands; to all which may be added the fact that many persons have supported the present Bill, and some have propounded a still further extension of the scheme, upon the declared ground that after the Legislature had once begun the system of interference, it was too late to question its propriety, and there was no possibility of stopping short where the former measure had left thequestion.

5. Because it is the grossest absurdity for the Sovereign to pretend that he knows better than his subjects how long they can work with safety to their health and comfort, to prescribe how much they shall gain by their labour, or generally to take upon himself the management of other people's concerns, an absurdity as great as the labourer would commit who should take upon himself the work of Government, and dictate to the law-giver iu what manner his measures ought to be framed.

6. Because it is the grossest blindness to imagine that the happiness of children is better promoted by the necessarily general and careless superintendence of the State as the common parent of all, than by the special and near watchfulness of the individual parents over their progeny, whom Providence has wisely entrusted to their care, creating feelings and instincts expressly adapted to the purpose, and of far greater force and far more constant operation than any mechanism which rulers can substitute, although the inevitable consequence of providing such substitutes must be to weaken the parental instincts, upon which, after all that the law can do, the lawgiver must in the end be forced to depend.

7. Because it is the grossest hypocrisy to pretend that the interests of morality can be promoted by interfering with the labour of the people, inasmuch as idleness is the root of all evil, inasmuch as grown-up women, if prevented from working when and how they please, are far more likely to employ their time viciously, and in courses which no law can restrain; and inasmuch as no attempts are ever made, or even thought of, to promote morality among the upper classes by any compulsory provisions whatever.

8. Because it is the grossest inconsistency to single out one branch of industry for the subject of experiment — how much tyranny over the capitalist and the labourer may be safely exercised; and to affect an especial care for the health, and comfort, and morals of one class alone among all the numerous bodies of workmen, for whom the wants of the community find employment, it being quite notorious that the sufferings are equally lamentable, which many other classes have unavoidably to endure from toil and want, the caprice of employers, and the vicissitudes of the seasons; the hardships of their lot in life, and the effects of errors in legislation; the order of nature, and the faults of rulers.

9. Because as instances of this glaring inconsistency may be cited, the facts stated in the Reports of the Poor Law Commissioners to the Commons House of Parliament touching the condition in different districts of husbandry. Labourers beginning to work at a very tender age, exposed to extreme hardships in their daily toil, and running no small risk of having their morals impaired as well as their education neglected. Women and children do the work of which they are capable, and they begin their employment as early as five or six, and even, in some instances, four years of age. They have in some places to walk seven miles and more to their work, return home unpaid when the weather is unfavourable, and when paid, receive extremely small sums. They go to work at seven in the morning, and continue till dark; in summer till nine o'clock. Unless they can finish a certain task of work they get no wages at all. There is no classification of ages or of characters, and the most profligate persons associate with those of tender years, and comparatively innocent habits. Some of the Reports disclose a frightful amount of immorality as the result of this admixture; and the returns of illegitimate pauper children for the whole kingdom show that there is a far greater proportion of them in agricultural than in manufacturing districts, in the proportion of to one upon an average. Now, all these sufferings, though exceedingly to be lamented, have never been deemed fit subjects of legislative interference, nor have the severe sufferings, both in health and morals, of many manufacturing districts, ever been so regarded, all interference being confined to the single branch of cotton spinning, for this reason, among others, that were the compulsory enactments of the law extended over all the branches of industry, this country would cease to be the habitation either of wealthy capitalists, or thriving labourers, but would be left to the advocates of the new system of meddling, and the inmates of the workhouse under their protection.

10. Because the most glaring evils in the condition of the poor, both parents and children, are daily under the eyes of the Legislature, and are so far from being checked, that they are encouraged by its Members for their own convenience, because these evils could only be eradicated by imposing restraints upon the natural liberty of the people, and interfering with the voluntary contracts made for their employment. The practice of women suckling the children of others devotes hundreds of thousands of children to diseases arising from insufficient nutriment, procuring the death of many, and tending little to improve the national character. This practice has been blamed by all moralists, lamented by all persons of a sentimental cast, and objected to by political reasoners, but no attempt has ever been made to restrain it; lawgivers justly deem it to lie beyond their proper province; and, refusing to interfere with the labour of

females capable of judging for themselves, although the interests, and even the lives of helpless infants, might seem to claim protection.

11. Because, however deplorable may be the devotion of young children to labour instead of instruction, and however desirable may be the liberation of females from all but domestic work—one of the surest proofs of advanced civilization, this can only be the slow and spontaneous growth of that progressive improvement in the condition, and with the condition, in the habits of the people; and it is manifest that when the law giver interposes with restraint upon capital and labour, he is certain to retard that progress, to worsen the condition of the people, to prevent their habits from mending, and thus to produce or exuberate the very evils which he affects most to dread.

12. Because the grossest delusions have been, and in many instances too successfully, practised upon the working classes, persuading them that measures like the present are for their benefit, and that the laws are more their friends than their employers, an absurd notion has thus been propagated, that by Act of Parliament men may receive wages without doing work; and they have been taught to suppose that the question is not whether they shall be permitted to work as much as they please, and earn as much as they can (which is the real matter in dispute), but whether they shall for the same wages work a longer or a shorter time; and an equally wild fancy has been made to prevail, that the gain of the master is made at the workmen's expense, whereas every reflecting person must perceive that, in exact proportion to the increase of capital employed in any trade is the amount of remuneration which can be afforded to the labour whereby that trade is driven.

13. Because the wants of society present a fair and an ample field in which the provident humanity of the Legislature, as well as of eminent individuals, may be exerted for the improvement of the people's condition upon rational principles, and without violating any right of the subject, or any rule of sound policy; by amending the Criminal Law and the police system, so as to protect the young from the contamination of old offenders, by rendering the punishment of all offenders speedy and certain, instead of leaving it to mere hazard; by unfettering industry from the shackles under which the relics of a barbarous age still leave it to pine; and above all, by bestowing upon the poor the inestimable blessings of a sound education, providing the means of infant and adult training, and leaving the people to avail themselves voluntarily of the advantages thus wisely brought within their reach.

(Signed) BROUHAM.

HOUSE OF COMMONS,

Monday, June 3, 1844.

MINUTES.] NEW MEMBER SWORN. — For Lancashire (Southern Division), William Entwistle, Esq.

BILLS. *Public.*—1°. Chaplains to Hospitals, etc. (Ireland). 2°. Vestries in Churches.

Reported. — Forestalling, etc.; County Rates, etc.; New South Wales, etc. Government.

3°. and passed:—Slave Trade Treaties.

Private. — *Reported.* — Kingston-upon-Hull Docks; Wich Tree Roads; Edward's Estate; Brighton, Lewes, and Hastings Railway.

3°. and passed:—Stratford (Eastern Counties) and Thames Junction Railway; Slamannan Junction Railway; Rodbard's Name; Liverpool Docks; Ventnor Improvement.

PETITIONS PRESENTED. By several hon. Members (198 Petitions), against Dissenters Chapels Bill, 27 in favour of same, and 1 complaining of getting up Petitions.—By Mr. G. Hamilton, from Kilmacomogue, and Macroon, against Education System (Ireland).—By Mr. Boyd, from Emyvale, and Colonel Rawdon, from Dromore, for Legalizing Presbyterian Marriages (Ireland).—By Sir R. H. Inglis, from Lewes, and Sussex, for Alteration of Local Assessments Act. — By Mr. W. Patten, from Chipping, for Protection to Roman Catholic Priests.—By several hon. Members (11), against Union of Sees of St. Asaph and Bangor.—By Mr. Cartwright (48), and by Sir J. Chetwode (26), against Repeal of Corn Laws. — By Mr. G. Hamilton, from West India Association, Dublin, against Reduction of Sugar Duties. — By Mr. Aldam, from Leeds, and Sir W. Clay, from London, for Repeal of Differential Duties on Sugar.—By Mr. P. Miles, from Bristol, and West India Islands, against Reduction of Duty on Sugar, Coffee, and Cocoa. — By Sir G. Clerk, from New Springfield Works, and Mr. James Wortley, from Glasgow, for Alteration of Law of Wages.—By Lord F. Egerton, from New Society of Painters in Water Colours, and Mr. E. Tennent, from Society of Irish Artists, for Encouragement of Art Unions.—By Mr. Hume, from Marylebone, for Alteration of Law of Blasphemy. — By Mr. T. Duncombe, from Colliers of Durham, and Northumberland, for Protection.—By Lord F. Egerton, from Orell, and Southport, against County Courts (Palatinate) Bill. — By Sir R. Bulkely, from St. Asaph, and Sir J. Guest, from Merthyr Tidvil, in favour of same.—By several hon. Members (5), against Poor Law Act.—By Mr. Pendarves, from Helston Union, for Rating Owners of Tenements.—By Mr. Antrobus, from Carshalton, against Savings' Banks Bill.—By Mr. Mitcalfe, from Tynemouth, against Smoke Prohibition Bill, and by Mr. Ord, from Newcastle, in favour of same.

SUGAR DUTIES.] House in a Committee of Ways and Means.

The *Chancellor of the Exchequer:* Although, Sir, I am addressing a Committee of Ways and Means, the object of which is essentially to provide the means necessary to raise the supplies to be granted to Her Majesty, I am well assured that there is not an hon. Member who hears me who does not feel that the question which I am about to submit to them, is one involving something more than mere revenue considerations; of vast importance to all classes of people of this country, and to those who are interested in our possessions abroad. It involves, moreover, a great principle of policy which this country has steadily and firmly maintained for a long period of years, in its relations with other countries, and from which I trust,

after the repeated declarations which have been made by Parliament, this House will not be induced to depart. The object which I have in view is to reconcile very conflicting points which arise out of a consideration of the question of the Sugar Duties. It will be my endeavour and my object, in proposing the resolutions of which I have given notice, to secure to the people of this country an ample supply of sugar; to make that supply consistent with a continued resistance to the Slave Trade, and with the encouragement of the abolition of slavery, and to reconcile both with a due consideration to the interests of those who have vested their property in our Colonial possessions. There is one point, at least, in which, I believe, I may expect the unanimous acquiescence of the House, and that is the importance of keeping up in this country a sufficient supply of an article which is not merely one for enjoyment or convenience of the people, but which, having been a luxury, has now almost become one of necessary consumption, and conducive to the health as well as comfort of the community at large; upon this point, in all the discussions which have taken place on this question, the House has expressed a general concurrence of opinion. There may be a difference as to the means of obtaining the object in view. This object has heretofore been under the consideration of the Legislature, and various enactments have been adopted from time to time. In an earlier period, previous to the emancipation of the negro labourers of the West Indies, the produce of those Colonies afforded more than an amply sufficient supply—affording the means of export of not less than one-third of the whole produce: and as the price of the exported sugar regulated the prices at which sugar was sold in the markets of this country, our own people were then ensured a full supply with a limitation of price determined by the price obtained in the other markets of Europe. When the Act of Emancipation of the negroes in the West Indies gave reason to expect that the supply from that quarter would be materially diminished, Parliament interposed, and by an equalization of the duties on East and West India sugars brought into the markets of this country large additional supplies of free labour sugar from a part of our own dominions in the East, having a soil of unbounded fertility, of cheapness of labour and great facility of communication with this country. By the employment of British capital, India had the means of affording an ample supply; and there was a just expectation of keeping within reasonable limits the prices at which sugar would be sold in this country. This has hitherto been sufficient for the exigencies of the country. Increasing demands have been met by increasing production to a considerable extent. Nor do I apprehend that the immediate consequence of adhering to the present system would be a great dearth of sugar to this country, or produce any great inconvenience by restricting the supply; but when I consider that, from the improved condition of the people of this country within the last year, from the extension of employment, and from the improvement of wages and the consequent increased demand which will arise for the article, now become little short of a necessary of life—when I compare the present demand with the augmented demand of last year from similar causes, and when I view the increase in the price of Sugar amounting as compared to the corresponding period of last year, immediately after the day I made my announcement to 2*s.* per cwt., I cannot but think it my duty to submit to the Committee a measure which will certainly provide not only what is necessary for immediate consumption, but a surplus, on which to some extent, speculation may operate. When I consider how increased are the facilities of supply, to which no objection can be offered, I am the more certain of this result. In consequence of our altered relations with China, we have the productions of that empire open to satisfy our demands, and it is clear that in order to extend our trade with that country which has been limited hitherto, and with which country a much larger trade may be carried on, encouragement ought to be given to the import of other commodities than those which we have heretofore taken. It is equally certain that it is possible to obtain supplies from other quarters of the world, where sugar is grown by free labour, by States which have never entered into the Slave Trade. Under these circumstances, I have felt it my duty to submit a proposition, for the admission of free-labour sugar into this country upon the terms stated in my Resolutions. The proposal of admitting to this country, or of giving preference to the admission to this country, of sugar, the produce of free-labour, is one which is not now for the first

time submitted to the consideration of the House; on looking back to the occasions on which that measure has been under consideration, I cannot find that there has been, on the part of any hon. Gentleman in this House, a disposition to offer objection to the principle of such an arrangement. When brought forward on previous occasions it has been met by an argument of a different nature applicable to the circumstances of the times under which the proposition was made; I am sure the right hon. Gentleman, the Member for Taunton, who, on one occasion, resisted a measure which was proposed with this object, will acknowledge that in the argument which he then used he raised no obstacle to the introduction of free-grown sugar as a substantive measure, but grounded his resistance on the particular circumstances in which we then were in consequence of our commercial Treaties with the United States of America, and with Brazil, which rendered it impossible for us to draw a distinction as related to duty between sugar the produce of free labour, and sugar the produce of slave labour, or to admit the former without giving an indiscriminate admission to the latter, and thereby encouraging the Slave Trade. But we now know the day upon which will terminate that Treaty with Brazil, which at present gives her the right of introducing her sugar into this country on the terms of the most favoured nation, and considering the increase of prices of sugar in the British market—the prospect of some additional supply being required—the facilities which we have for the introduction of free sugar—I avail myself of the earliest opportunity of submitting to the House a measure which shall give effect to that arrangement, which, under other circumstances, would, I believe, have been adopted by the House at an earlier period. In regulating the mode in which the free-labour sugar of the world is to be introduced, I feel it essentially necessary that two points should be fully borne in mind—first, that we should effectually guard against the evasion of the principle upon which the measure proceeds, by providing that the introduction of free-labour sugar shall not be made a cloak for the introduction of slave-grown sugar; it is also necessary that it should be admitted at a rate of duty which will secure it a fair chance of competition with the sugar of our own Colonies. With respect to the mode in which precaution is to be taken against the introduction of other sugar than that the produce of free labour, I conceive little difficulty can arise. We have before had occasions on which it had been considered essentially necessary to the commercial interests of the country that a distinction should be drawn as to the produce of different countries subjected to different duties; and in these cases we have found that certificates of origin, coupled with the certificates of the shipper, have been sufficient, and as I intend the certificates in this case to be backed by the British authority at the port of shipment, I think there will be no difficulty in preventing evasion of the law. It is unnecessary to refer to particular instances in which arrangements of this kind have been effected, or I might remind the House of the arrangement made with respect to coffee, which was subjected to different rates of duty according to the countries from which it came. I do not believe that any Gentleman who has considered the subject will suppose that a protecting duty of 10*s.* per cwt. is more than is necessary for the protection of the interests of those with whose produce this sugar will come into competition, nor on the other hand is such as unduly to enhance its price to the consumer. From the countries specified in the Resolution, and from those to which a similar privilege will be extended by Her Majesty on sufficient proof of the absence of slavery, the quantity of sugar to be derived is sufficient to meet the exigencies which are expected to arise in this country. We know that the island of Java alone furnishes large supplies of sugar greatly beyond the quantity required for the countries which are now supplied from that quarter, and that the quantity produced in that Colony is capable of considerable extension. With respect to Manilla, also, sugar is raised in great abundance, and the supply is also capable of still further extension. We can make no estimate of the probable quantity likely to be received from China, because our commercial relations with that country with respect to sugar have been very trifling, and our knowledge is confined to the fact that China does export to different parts of the world. I find from the notices which have been placed on the paper that the measure which I am now about to submit to the House is likely to meet with opposition from various quarters, and on conflicting grounds. In the first place, I find the hon. Member for Dumfries (Mr. Ewart) is prepared to argue that there ought to be no distinctive duty what-

ever between sugar the produce of any foreign country and the sugar which is produced in British possessions. In the next place, I find the noble Lord, the Member for the City of London, ready to contend, not with the hon. Member for Dumfries, that there should be no distinctive duty between British and foreign sugar, but that there should be no distinction between foreign sugar the produce of free labour and foreign sugar produced by the labour of slaves. And lastly, my hon. Friend behind me (Mr. Miles) will argue that the protection which it is proposed to give to colonial sugar against sugar produced by free labour is insufficient, and will require a greater amount of protection than that which it is my intention to propose. I will first notice the objection of the hon. Member for Dumfries. I need not occupy the attention of the House in discussing the hon. Member's proposition at any length, because it has been on former occasions repeatedly submitted to the House by the hon. Member without his having had the good fortune to obtain the concurrence of the House. It was brought under discussion in the year 1842, when the whole question of the Tariff was before the House, and it was then argued that all distinction between colonial produce and the produce of foreign countries ought to be done away. To that general proposition the assent of Parliament was not given. The hon. Gentleman himself, in the course of the present Session, revived the same question on the discussion of the coffee duties, when the House adhered to its former opinion, thinking it then as they did before due to the colonial possessions of the Empire to give them a fair protection against the produce of foreign countries. After that decision, I feel it necessary to detain the House by going into a discussion of the arguments used on that occasion, and which have been now repeated by the hon. Gentleman. I will now address myself to the proposition of my hon. Friend, the Member for Bristol; and I can assure my hon. Friend, and those who are connected with him in the West Indian possessions of this country, that if I have brought forward this measure on the present occasion they must not impute to me any want of sympathy with their interests — nay, with their feelings, in which I participate as strongly as any man amongst them. I know the difficulties under which that interest has laboured—I know the difficulties under which it labours at present—and I can make great allowance for their alarm at the danger which they fancy to exist, and which they fear will ultimately be greater; but I cannot persuade myself that there exists such ground for their apprehension. I believe on the contrary, that the measure which I am about to propose will ultimately prove the best calculated to ensure their permanent prosperity, although they may now view it with some alarm. I do not deny that the effect of the measure which I propose will be to produce a certain immediate reduction in the price of sugar, or that it will prevent a rise of price, which, without some measure of this kind, would infallibly take place. I am quite confident, however, that of all the dangers which may affect those who are interested in West Indian produce there is none which they ought more to dread than any great and continued increase of the price of their staple commodity, which, inflicting serious injury upon the population of this country, should create, with respect to them, a general feeling of hostility. I believe it would be most dangerous to their permanent interests, if by an adherence to the law as it now stands we were to run the risk of bringing the price of sugar in the market up to what it was in 1840, when it reached 49*s.* the cwt., independent of the duty. If by conduct on the part of the Government that result should arrive, it might be for the moment acceptable, but I firmly believe that it would be to them the most injurious thing that could happen. I think, also, with respect to the amount of duty, that it is essentially necessary at the earliest moment to intimate to them the amount of protection which, upon a review of the whole circumstances of the case, they are entitled to receive against the admission of sugar the produce of free labour. These Colonies stand at present in this peculiar position. They are likely to have at an early period a great additional facility of employing labour derived from other countries. In order to obtain this advantage they will probably be called upon for the investment of capital necessary for the transport of the emigrants who are disposed to go to the West Indies; and I think, therefore, that before we call upon them to embark in this expenditure, or to undertake these extensive transactions, they ought to be told distinctly that as against sugar the produce of other countries

where there is free labour, the protection now afforded is that which, upon the whole, it appears just and expedient to maintain. My hon. Friend behind me would, by a corresponding reduction on British sugar, give Colonial sugar the benefit of a protecting duty of 14*s.* instead of 10*s.*; but I ask him if he believes that 14*s.* can be permanently maintained, and if not, whether it will not be more advisable at the present moment to state distinctly to those who are concerned in the manufacture in our Colonies, that as against free-labour sugar we give you that duty which we say is sufficient, and, from being moderate, is likely to be enduring. The third notice which appears on the Paper is that of the noble Lord, the Member for London, who is prepared to extend to all foreign sugar that advantage which, by this resolution, I propose to confine to sugar the produce of free labour. This is no new battle field between the noble Lord and those who sit on this side of the House. The question was argued in 1841 with great energy. Parliament at that time decided against the proposition of the noble Lord. They felt, and they recorded their feeling, that after all the efforts and sacrifices which this country had made for the abolition of the Slave Trade, and for the improvement of the condition of the slaves, it would be inconsistent with the duty and honour of Parliament to adopt a measure calculated to give direct encouragement to slavery and the Slave Trade. In that argument and in those views I entirely concur at the present moment. I shall be surprised indeed if Parliament having so often at earlier periods recorded its opinions upon these subjects, having expended the treasure and blood of the country in giving effect to them, and having so recently repeated their declaration that it was expedient to abide by them—I shall indeed be surprised if the House of Commons adopts a course which is entirely at variance with those principles. If I were to make any comment on the Resolution of which the noble Lord has given notice, it would be to express my surprise that so far from showing any deference to the past opinions of Parliament, and so far from showing any deference to what I believe to be the feelings of the country, the noble Lord has aggravated the objections which existed to the course which he formerly recommended, by giving an additional encouragement to the introduction of sugar from that particular country, where he knows the Slave Trade to be most perseveringly carried on under a system revolting to every feeling of humanity. When the noble Lord in the year 1841 supported the Sugar Duties, he maintained that the sugar of Cuba, being of a purer quality than other sugar, required to be subjected to a higher duty in comparison with other duties than was imposed on the inferior sugar of other parts of the world. He proposed then a discriminating duty of 20*s.* per cwt. upon the sugars of Cuba, with a view to guard against their unlimited introduction, and now in the notice which he has given to the House he is prepared to recommend that that very sugar which he then thought ought not to be introduced into this country at less than 42*s.* duty should now be introduced at 34*s.* giving a benefit of 8*s.* per cwt. to the sugar of that particular Colony, where we know the Slave Trade has been carried on, and with the growth of sugar in which the carrying on of the Slave Trade is indissolubly connected. What may be the motive which has induced the noble Lord to look so favourably upon one of the worst instances of the Slave Trade which is to be found—what are the reasons which have induced him to extend his indulgence to sugar not merely the produce of slavery, but which has acquired its extent by the extension of slavery alone, it will be for the noble Lord to explain. For myself, I am satisfied, that if you wish to extend that trade you can find no more effectual mode of doing it than by giving it that encouragement which must be the result of throwing this market open to it, because it is only from the continuance of that trade that the sugar cultivation in these Colonies can be maintained and extended. And what would be the inconsistency of such a proceeding? We have very recently been making great additional exertions with a view of interrupting the Slave Trade, which in spite of all our energies had been on the increase. We have increased the expenditure to which we were liable by additions to our naval force on the coast of Africa; and what an inconsistency would it be, if while we pretend to be anxious to put an end to the evil on one side of the Atlantic, we were to make our legislation here conducive in the greatest degree to the extension of that traffic on the other, and afford every possible incitement to the inhabitants of that quarter of the globe to continue the trade in which they have

been so long embarked. The hon. Member for Montrose on a preceding evening, in a discussion on the Estimates, said that we could not put down the Slave Trade by any force which we might employ in opposition to it, but that it must be done by diminishing the profits of those who are embarked in the trade, I agree with him, that that is the only way to get rid of that enormous evil, and it is for that reason that I recommend this measure to the House. By excluding the sugar of those countries from this market, or at least, by giving a preference to sugar, the produce of free labour over slave labour, you do most effectually impose a check upon the value of the produce of that country where the Slave Trade is pursued, and doing so, you employ the best means at the disposal of any country for the purpose of forwarding an object which it is the sincere desire of this country to see carried out, namely, the abolition of the Slave Trade. I do not know on what ground the noble Lord will recommend the adoption of his resolutions. I have heard it stated, and perhaps the noble Lord may be inclined to state, too, that by taking out of the general market of the world a proportion of free-labour sugar, for the use of this country, you thereby create a vacuum in other countries which will necessarily be supplied by the produce of Brazil. Now, if that be the view of the noble Lord, I beg to differ from him. The natural consequence of encouraging the import of a particular class of sugar is a considerable extension of the production of that article to which encouragement is given, and that increase of production will not be limited merely to that particular market into which the produce is to be introduced, but will extend beyond it, and encourage its production and introduction into other markets of the world; and if, at the same time, operating in conjunction with this principle, the difficulties which we impose in the way of the Slave Trade in these countries and Africa are increased, the two circumstances combined will necessarily tend to enhance the price of slave-grown sugar as contrasted with the other, and hence I contend that our admission of free-labour sugar will not necessarily have the effect of introducing into the markets of Europe a greater quantity of slave-grown sugar. But even suppose the result were otherwise; suppose that, while we refuse to take sugar the produce of slave-labour, other nations should seek it with greater avidity, and make greater exertions to obtain it, would that be an argument with us for departing from our proposition? What was the argument used by this country when the abolition of the Slave Trade was in question? We were told, "Give up the Slave Trade by Great Britain; you aggravate the evil, because you throw it into the hands of those who, carrying it on without any regard, or with less regard, to the interests of the slave, will inflict more misery upon mankind than could be inflicted by a continuance of the trade under British regulation." But Parliament said, that guilt attached to the Slave Trade, and that it was no excuse for crime to say that we committed it more leniently than others, and Parliament determined, that it was right to put away from us the opprobrium and reproach of continuing the Slave Trade. Similar arguments were used when the question of emancipation was under discussion in this House. We were told that it would be better to continue slave-labour in the West Indies, because, if it were not continued, other countries not controlled by our beneficial legislation with respect to it, would continue slavery with aggravated severity. But did that motive influence Parliament? No. Our answer on this point was the same as that which we gave before with respect to the Slave Trade; as regards the question of slave-sugar and slave-labour, I believe that our proceedings will not lead to any increase of slavery. But if I should be disappointed and an increase should take place, our consciences will at least be free. I will now advert to that part of this subject which is referred to in the second resolution which I am about to submit to the Committee. It relates to those countries which have commercial treaties with us, founded on the principle that their produce shall be admitted to this country on the same footing as that of the most favoured nations. As I said before, Brazil is a country which had this particular privilege, and which was in a situation to use it with effect. We have similar treaties with other countries—with the United States, Sweden, Mexico, Buenos Ayres, Colombia, Peru, and Bolivia. There is not one of those countries, however, which carries on the Slave Trade, and there is not one of them, which has not declared, by legislative enactment, against the continuance of the Slave Trade. With respect to slavery, the

greater number of them—namely, all those republics in South America with which we have those reciprocal treaties—have from their very foundation taken measures for the suppression of slavery within their territories. No doubt, in some of them, slavery, in a mitigated form, exists—the remnant of a former state of slavery—but in them either there is no sugar the produce of slave-labour raised for exportation, or the slavery may be said to be so nearly extinguished that they may be taken out of the category of countries in which slavery exists. In some of the most considerable, there is no pretence for saying that slavery exists. In Mexico and Colombia, for instance, slavery has been put an end to by legislative enactment, and the Slave Trade has been by them declared to be piracy. With respect, then, to these States, no apprehensions need be entertained, either as to the amount of sugar which they can furnish to the markets of this country, or as to any encouragement which the admitting the produce of these States may give to slavery. There are only two other countries to which I shall refer — the possessions of Sweden in the West Indies, and the United States of America. With respect to Sweden, I believe it is well known that its only possession is one small island, St. Bartholomew, and that its produce is sent directly to Sweden. The amount of its produce is so small, that even were Sweden disposed to interfere in the markets of Europe, it could have little or no effect as regards the question of slavery. With respect to the United States, I admit that they do produce a very considerable quantity of sugar, though it is small as compared to their own consumption. I believe that it varies very much in different years, owing to the sugar grounds suffering more from frost in one year than another, but taking the average I believe the produce of the United States amounts to about 50,000 tons a year; and the United States actually import the largest portion of the sugar they consume from other sugar-growing countries. I think it is capable of distinct proof that it would not be for the interest of the United States (and this is the point to which it is necessary to look) that sugar, the produce of those States, should be brought to this country. Sugar is of too high a price in New York to justify such an anticipation. The first question which regulates the proceedings of a nation in any trade, is the price which the article which they wish to export will fetch in the foreign market, and when it is recollected that the price of sugar at New York is higher than the price of sugar at Liverpool or in London, can it be by any possibility supposed that the Americans will send their sugar out of a protected market to the extent of from 11*s.* to 18*s.* the cwt to London or Liverpool in order that it might enter into competition on equal terms with the free-grown sugar which might be brought into these markets. When you consider these circumstances, when you see the high price of sugar at New York, as compared to London or Liverpool, and when you reflect that the people of the United States, whatever faults may be attributed to them, are never supposed to be particularly careless of their own interests; how can you suppose that the United States will be desirous to encourage the export of sugar to compete with the free-grown sugar in our markets? We have, indeed, been told by some that the Americans are so desirous of encouraging the export of their produce to British markets, that they will willingly give a bounty of 11*s.* to 15*s.* per cwt. in order to encourage the introduction of sugar. It cannot be for the advancement of the interests of the United States to encourage that export of sugar, the produce of those States; and if any American statesman were to offer a bounty of 11*s.* per hundred weight in order to encourage its introduction to our markets, I doubt much if he would meet the approbation of his own countrymen, opposed as they are known to be to the system of bounties, in consequence of having seen how little they were calculated to effect the purposes for which they had been established. I do not anticipate any such competition from American sugar, and therefore, under all the circumstances which I have stated to the Committee, I have no hesitation in recommending the measure contained in the resolutions I am about to move, firmly convinced that the great objects which I stated in the outset of my speech will be accomplished by it; namely, that we shall secure an adequate supply of sugar to meet not only the existing wants of the population of this country, but that increased consumption which is essential to their enjoyments and their comforts; that we shall show the world that we have not forgotten the principles on which this country has always

acted, and that we are still determined to uphold the various declarations which we have made from time to time with respect to the Slave Trade, and that while the measure which I am about to propose for the adoption of the House, answers the purposes which I have described, it will be also found to consult the real interests of those, who having embarked their property in Colonial possessions, and having been subjected to many difficulties, will at length know the extent of protection on which they may permanently rely, and will find in the limited competition which it introduces a security against that pressure upon the comforts and enjoyments of the people of Great Britain, which would create a general indisposition towards the Colonial proprietors. With these expectations I beg to propose,—

1. That towards raising the supply granted to her Majesty, the several duties now payable on sugar be further continued for a time to be limited, save and except that from and after the 10th day of November next there shall be charged on brown, muscovado, or clayed sugar certified to be the growth of China, Java, or Manilla, or of any other foreign country, the sugar of which her Majesty in Council shall have declared to be admissible, as not being the produce of slave labour, the cwt. 1*l.* 14*s.*; together with an additional duty of 5*l.* per cent. on the aforementioned rate.

2. That from and after the 10th day of November next, her Majesty be authorised, by order in Council, to give effect to the provisions of any treaty now in force which binds her Majesty to admit sugar the produce of a foreign country at the same duties as are imposed on sugar the produce of the most favoured nation.

The question was put on the first Resolution.

Lord *John Russell* said, the right hon. Gentleman who had just proposed those resolutions to the House, referred to a former contest: he said that it was an old battle field, and that it occasioned him some surprise that he (Lord J. Russell) appeared so soon again in a field where he had been already defeated. His surprise was quite as great to hear the right hon. Gentleman sound a note of retreat so early, signifying to his former comrades that he had already given up the part of the field which he formerly had most warmly contested. He (Lord John Russell) therefore came forward with more confidence than on a former occasion, for he now saw the right hon. Gentleman abandoning those weapons which he had formerly wielded with such great effect, and deserting the ranks of those who had looked on him as a protector, so that they might now expect the question to be decided on the real grounds of facts and arguments. The right hon. Gentleman, who was usually well capable of bringing forward arguments in support of his view, had made several valiant assertions during his speech, but he never before heard the right hon. Gentleman so much lack arguments as on this occasion. The right hon. Gentleman in the commencement of his speech had stated, that at present there was not a sufficient supply of sugar, and the right hon. Gentleman assigned that and the present price of sugar as reasons for effecting a change in the existing duties. When the House recollected the former battles which had taken place with respect to this question, and when they recollected that these very arguments were then brought forward, and were so strongly urged in favour of a change in the Sugar Duties—and when the House recollected how they were repelled by the Gentlemen on the other side, they could hardly have anticipated that the right hon. Gentleman would so soon assign the high price and limited supply of sugar as reasons for introducing the alteration which he had just proposed. The right hon. Gentleman said the price of sugar was very high. It appeared from the last *Gazette*, that the price of brown sugar, the growth of the British possessions in the west, is 36*s.* 9¾*d.*, and that the average price of all descriptions of sugar was 37*s.* 8*d.* Now, he had before him the exact price of sugar at the time when he proposed a reduction of the duty, and he found that the average price of sugar in 1841 was 38*s.* 3¼*d.* The price in 1840 was no less than 48*s.*, and yet the right hon. Gentleman now comes forward to propose his reduction when the price is 37*s.*, only 2*s.* more than last year, and adduces this as a conclusive argument for an alteration of the duties on sugar. He remembered on a former occasion, when the noble Lord the Member for Liverpool stated that 240,000 tons would be

available for consumption, and the hon. Member for Beverley stated, that the amount would be 260,000 tons, and on that occasion the right hon. Gentleman did not think that state of the supply would justify a change in the system of duties. What, then, according to the statement made the other day at a meeting of West India proprietors, was the quantity of sugar that would be available for consumption this year? We might expect it would be—

	Tons.
From the West Indies	128,000
From the East Indies	70,000
From the Mauritius	32,000
Making a total of	230,000 tons.

And there were 40,000 tons on hand at the beginning of the year, while the total consumption for last year was only 202,000 tons. Now, if the argument from the small supply of sugar was a forcible one, with a supply of 230,000 tons and a price of 37*s.*, in 1844, was it not as forcible in 1841 when the supply was 240,000 tons, and the price had been in 1840, 48*s.*, and yet the right hon. Gentleman then stoutly resisted all change. There were many reasons which he thought ought to be sufficient to induce the House to reconsider the determination which it had formerly come to, and to agree to the adoption of the means for securing an additional supply of sugar; but if the increase were to be obtained by the consent of the Government, let the measure be framed and brought forward in a straightforward manner, and in accordance with the principles of trade. If they thought fit to give a certain amount of protection to the Colonies (in consequence of a great change with regard to labour) over other countries, let them place the difference between the Colonies and foreign countries on distinct and intelligible grounds. But let them not introduce for the first time a differential duty on a new principle, and adopt a course in opposition to all the well known principles and maxims on which the commerce of the country had been hitherto based, and generate confusion from which they would find it impossible to escape. The right hon. Gentleman said, that the principle of introducing sugar, the produce of free labour, was not new; that it had been discussed and decided upon in that House; but the right hon. Gentleman might as well say, if he brought in a Bill to establish Universal Suffrage, it would not be a new principle, because the hon. Member for Rochdale had on a former occasion brought forward the subject, and his proposition had been decided upon by the House. The proposition of the right hon. Gentleman went to establish a new principle. If the right hon. Gentleman said that our tariff was to be framed on grounds of morality, and that we were to erect a pulpit in every custom-house, and make our landing-waiters enforce anti-slavery doctrines—if the right hon. Gentleman said, that this was to be adopted, it was introducing a new principle into our commercial regulations. He objected to that principle, because he thought it would lead to nothing but mischief, and that it would be impossible to act consistently upon it. We dealt with many nations in very different stages of civilization; in some, barbarous chiefs had a despotic power of life and death over their subjects—in others we might see millions of people who were in the condition of serfs—in others horrible cruelties were practised upon the people, and barbarous superstitions prevailed; but when goods came from those countries we did not ask questions at the custom-house as to the social condition of the people—we did not make objections to the imports on moral grounds on account of the constitution of the countries from which they came. We treated the matter only as a commercial transaction. We bought their goods and sold them goods in return. There were other occasions on which to devote attention to the social happiness of the world, and there were other means of endeavouring to advance it; but the best way in which to encourage social happiness, and to spread Christianity and advance morality, was to let commerce take its own course, to let it find its own way, to trust to that civilising influence which all commerce must have, and be careful not to interfere violently and by fiscal regulations with the feelings of others. They must offend by adopting this new principle, all those against whom it was directed. By these resolutions they must offend the empire of Brazil and the kingdom of Spain; and these nations being offended, would be naturally disposed to retort by similar

resolutions, and hostile Tariffs would be enacted to meet the hostile proceedings directed against them. On that ground they should not, without some paramount reason, introduce such a principle, and why the Committee should not confirm resolutions calculated to produce such an effect. But how, he would ask, did we know the exact situation of those countries with respect to which we were called on to legislate by these resolutions? They proposed to legislate for Java. Now the accounts of Java tell us that sugar is cultivated compulsorily there, and that persons holding a certain quantity of land in Java are obliged to cultivate a certain proportion of it with sugar, and sell the produce at a certain price. [Mr. *Gladstone:* No.] The right hon. Gentleman opposite might perhaps contradict that account—he might tell them, that it was different in Java, but he would ask, was that not a sufficient argument to convince them that they were not in a condition to legislate satisfactorily with reference to the state of that country? It was enough for that House to know the condition of our own country and Colonies and legislate for them without endeavouring to adapt our laws to the condition of other countries. He believed the inhabitants of Java and Manilla were in a low state of civilization. With respect to Porto Rico, he had received information that, with the exception of a certain portion—a small part of the island—slavery did not exist there. Yet if one cwt. of sugar was sent from Porto Rico to this country, it would be refused, whilst Java sugar, to any extent, would be admitted; and the officer at the Custom-house would say, that he considered the state of society of Java was such as to justify him in admitting Java sugar; but with respect to Porto Rico sugar, he would say, he was quite shocked at the enslaved condition of its population and must refuse all trade with Porto Rico. But it was not true to say, that we must refuse all trade with Porto Rico; for he would show that all trade with countries in which there was slavery was not refused. What was the state of our trade with these countries? Why did Cuba and Brazil employ slave labour in the production of more sugar than they required for their own consumption? Because they wanted to obtain manufactures in exchange for sugar—they wanted cottons from Lancashire and woollens from Yorkshire, and it was in order to obtain them, that they employed slave-labour in producing so much more sugar than they required themselves. It was the want of our manufactures that induced the cultivation of sugar with which to buy them, and the manufacturers of Lancashire and Yorkshire therefore encouraged slave produce in Brazil and Cuba, as much as if they were consumers of slave-grown sugar. What was our conduct with respect to that sugar? We said, we are not consumers of slave grown sugar—that would be criminal and sinful. There was, however, a way of disposing of the slave-grown sugar, it was sent to Russia, and exchanged for tallow and hemp, the produce of Russia. We had no other means of paying for these products than by manufactures, and therefore we first exchanged our manufactures for the slave-grown sugar of Cuba and Brazil, and as that was not allowed to be consumed here, it was sent to Russia, in exchange for her productions. With regard to the question of slavery, what difference, he would ask, did it make, whether we sent our manufactures to Cuba, and obtained in return for them the sugar of Cuba, or whether we sent our manufactures to Cuba, and obtained in payment the hemp and tallow of Russia? The right hon. Gentleman opposite, however, stated that those who proposed the resolutions, had the consolation that their consciences were free. He should say, that the right hon. Gentleman appeared to find it very easy to reconcile his conscience to strange things, if his conscience would not admit slave-labour sugar direct, and would not object to the advantage of the traffic in slave-labour productions if carried through Germany or Russia. If the right hon. Gentleman had no objection to have slave-grown sugar refined in this country and sent afterwards to buy the produce of Russia or Germany, to refuse to consume that sugar was indeed a flimsy veil for his conscience. If the right hon. Gentleman, instead of being as he is, a stout Protestant, had been a Roman Catholic, he doubted whether the right hon. Gentleman's confessor would deem that a sufficient excuse for a departure from his own principles. Let them see the amount of the trade to which he had adverted—look at

the Return for several successive years. The noble Lord quoted the following Table :—

Declared Value of British Manufactures exported to the United States, Cuba, Porto Rico, and Brazil, during the Years 1837 to 1842, inclusive :—

Years.	United States.	Cuba and Porto Rico.	Brazil.	Total.
1837	£4,695,225	£892,713 †193,285	£1,824,082	£ 7,545,325
1838	7,585,760	1,025,392 †108,206	2,606,604	11,325,962
1839	8,839,204	891,826 †124,321	2,650,713	10,506,064
1840	5,283,090	863,520 † 95,326	2,625,853	8,867,789
1841	7,098,642	895,441 ‡100,000	2,556,554	10,650,617
1842*	3,528,807	711,933 ‡100,000	1,756,805	6,097,540

* Panic and discredit.
† By way of Jamaica.
‡ Estimated in absence of returns.

Thus it appeared, that in 1840 we sent to Cuba to the value of 863,520*l.* of manufactured goods; in the year 1841 we sent there to the value of 895,000*l.* of manufactured goods; and in the year 1842 the value of our exports of manufactures to that country was 711,938*l.* in addition to the exports sent through Jamaica. In the year 1840 we exported to the Brazils manufactures of the value of 2,625,000*l.*; in the year 1841 we sent there manufactures of the value of 2,556,554*l.*; and in the year 1842 we sent there manufactures of the value of 1,756,000*l.* The effect, then, by excluding the sugars of Brazil and Cuba, by our high duties on the agricultural products of the United States, was, to limit our markets in those countries, from which we still import the cotton wool used in our factories, and tobacco, from which we derive more than three millions of revenue the product of slave-labour; while with the sugar and coffee, and cotton, received for our manufactures, we pay the great balance against us in the direct trade between England and Russia. Now, the greater part of our manufactures exported to those countries went actually to those persons who were encouraging, as the right hon. Gentleman had said, slavery and the Slave-trade. The right hon. Gentleman had referred to another argument which was used when this subject was formerly before the House, and which argument the right hon. Gentleman had not, as it appeared to him, effectually met. The argument was this—that although the law says we shall not ourselves use slave-grown sugar, yet, if we admit, 90,000 tons which are supposed to be the produce of free-labour, those 90,000 tons must be subtracted from the consumption of the continent of Europe, and will there be replaced by sugar the produce of slave labour; and thereby the Slave-trade will be indirectly encouraged. The right hon. Gentleman had said nothing that could in the least diminish the force of that argument. He said, that the sugar of Cuba was remarkably good—a subject to which he (Lord John Russell) would advert presently—and the right hon. Gentleman admitted that the means of carrying the Slave Trade into effect in that country were very extensive. What then would be the consequence? Why, as certainly as you take from Java, the Manillas, Siam, and other quarters, 90,000 tons of free-labour sugar which are now available for the markets of Europe, so certainly would you give to an equal extent, encouragement to the produce of slave labour. Then was it not much better, if that was the case, that you should not depart from your usual principles of trade—and not put forward an argument which, he must say, savoured very much of hypocrisy, which verbally was a proclamation against slavery, and which in practice would be an encouragement for the increase of sugar by slave-labour? He would suppose, for the sake of argument, that some very great practical benefit was to be obtained by the course which it was proposed to pursue—that some very great and essential good would be conferred on the world by this distinction—and he must then admit that that might be a reason for making a distinction hitherto unknown. But when we saw so plainly that this course could be attended with no practical benefit—that this was merely a distinction in words—then he could not conceive why a government, and especially a government of this great commercial country, should attempt by introducing a new

principle to attain so valueless an object. The right hon. Gentleman had then proceeded to consider the trade with America and other countries, which were placed on the footing of the most favoured nations; but there was one supposition which the right hon. Gentleman had referred to, which he had not shown to be unfounded, namely, that supposition that the Americans, instead of sending their sugar to New York, would admit the sugar of Cuba and Brazil into the United States, and would send their sugar to this country. The quantity of sugar produced in the United States last year was not less than 50,000 tons, and of that amount 40,000 tons were sent to New York. He believed it would be as cheap to send that sugar to Liverpool as to New York. If it were sent with cotton—the weighty article sugar with the light article cotton—that would reduce the freight to a very small sum, and it seemed to him that it would be a natural source of profit to the Americans to say, "We will admit the sugar of Cuba and of Brazil at a small rate of duty, in order to have the benefit of the market of England for our own produce. The right hon. Gentleman said, that would not be the case, and told the House the price at New York, but that price he (Lord John Russell) thought included the duty, and it had been stated, the statement might be an error, if so, the right hon. Gentleman would correct it—that persons importing foreign sugar were entitled to export an equal quantity of the produce of the United States. At all events, they would be able to make an arrangement by which Cuba and Brazil sugar would be put on the same footing as their own sugar, which did not pay duty, and they would obtain the trade with this country. But the right hon. Gentleman assumed that there was no doubt that a certificate of origin at New Orleans, countersigned by the British Consul, was a sufficient security that no sugar could be sent out but that which was certified. He doubted that—considering New Orleans, and Louisiana, and the six other States with which we had treaties—considering Columbia, Mexico, and other States; he thought there would be more than one case in which the sugar of Cuba and Brazil would be introduced under false certificates of origin, as sugar of the United States, and of countries which we were bound to treat as the most favoured nations. False certificates were not altogether a novelty in trade. Towards the end of the war such certificates were very frequent, and it was a common thing to introduce our manufactures into other countries, and foreign produce into this country by means of false certificates of origin. Those who were best acquainted with the sugar trade did not participate in the confidence and security which the right hon. Gentleman expressed on this subject. The right hon. Gentleman said there was no fear of transactions of this kind taking place, and that ultimately the measure would benefit the West Indies and other British possessions. Those who were best acquainted with our Colonies did not feel the same satisfaction, and they had little less apprehension in 1844 than they had in 1841, when the differential duty of 12*s.* instead of 10*s.* was proposed by the Government of the day. It was understood at that time by a great many parties that the chief objection to the change of duties was, that the great experiment of the abolition of slavery had not yet had a fair trial; that it was necessary to see whether free-labour, instead of slave-labour, would be available with effect; that there were various questions connected with immigration and cultivation, which had not received sufficient attention, and that further time was necessary to enable us to judge whether the change was practicable or not. Were we able to pronounce that judgment in 1844? Were the West India planters who held that language in 1841 now convinced sufficient time had been allowed, and sufficient progress made in immigration; had the experiment of free-labour in Jamaica, and our other Colonies, been so successful as to remove all apprehension of change? He believed persons connected with the Colonies would say nothing of the kind. He was about to propose that the same differential duty which the Government thought sufficient for Java and Manilla and the United States should be assigned to the sugars of Cuba and Brazil. It was a differential duty, because he thought it right under existing circumstances, and for a time, that a differential duty should be maintained for the advantage of our own possessions; but the prohibitory duty of 63*s.*, which ought to have been abolished in 1841,

ought, he considered, to be abolished now. He should state some reasons from the papers to show why he thought a change of this kind ought to take place. It appeared that the supply of sugar from 1831 to the present time had not been such as to enable the people of this country to continue the consumption of that article at the same rate as in 1831. At that period the consumption per head was about nineteen or twenty pounds; and from that time it had fallen to seventeen pounds, and in the year 1842, to between seventeen and sixteen pounds. He thought this was a reason, and a very great reason, why we should reconsider the present Sugar Duties. The noble Lord referred to the statement which will be found below,* and deduced from it another reason for supposing that the supply of sugar was now inadequate. There was the very great increase in the consumption of tea and coffee since the commencement of this century, while the consumption of sugar had decreased in proportion to the population. The tendency of the consuming classes of this country was, to diminish the consumption of spirits, beer, and articles of that kind, in proportion to the increase of population, but to increase the consumption of tea and sugar. It had been stated by Mr. Huskisson, that two-thirds of the persons using coffee were in the habit of using it without sugar; and to those who consumed those articles, it would be a great advantage if they had a supply of sugar in proportion. The comparative consumption of coffee, tea, and sugar in 1801 and 1841, was as follows:—

	Great Britain.	United Kingdom.	
	Coffee.	Tea.	Sugar.
	lbs.	lbs.	cwt.
1801	750,861	 20,237,753	 3,639,565
1841	27,298,322	 36,675,667	 4,057,628

Coffee and Tea.

	20,237,753		36,675,667
1801	750,861	1841	27,298,322
	20,988,614		63,973,989

Thus the consumption of coffee and tea had reached three times the quantity consumed in 1801, while sugar had increased only one-eighth, the increase of population being nearly from eight to fourteen. This, then, was a sufficient proof that heavy duties and differential duties prevented the natural increase of the consumption of sugar, and therefore that it was necessary there should be a change in the Sugar Duties. Let him now consider what that change should be. Even taking the views of the Government, he thought it would have been wise if they had said, "We will afford every means to the West Indies of increasing immigration." Some experiments had been tried. After the experiment of the introduction of Indian labour into the Mauritius, which was allowed to take place a few years ago, there was no longer the same opposition which had existed to the introduction of Indian labourers into the West Indies. He himself knew one person who was considered to have been very much opposed to it, and who was a very high authority — namely, the late Governor General of India, Lord Auckland, who now thought, that with proper precautions and a sufficient quantity of tonnage al-

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* *Statement showing the population of the United Kingdom, the quantity of Sugar (and Molasses equivalent to Sugar), entered for consumption, and the proportion per head consumed in each year from* 1830 *to* 1844 :—

Years.	Population.	Quantity entered for consumption.	Proportion per head consumed.
	Number.	cwts.	lbs. pts of 100
1830	23,995,393	4,273,945	19·96
1831	24,306,719	4,364,243	20·11
1832	24,547,216	4,187,135	19·10
1833	24,787,714	4,021,595	18·17
1834	25,028,211	4,154,411	18·59
1835	25,268,709	4,421,145	19·59
1836	25,509,206	3,922,901	17·22
1837	25,749,704	4,349,053	18·92
1838	25,990,202	4,418,334	19·04
1839	26,230,699	4,171,938	17·81
1840	26,471,197	3,764,710	15·93
1841	26,711,694	4,208,324	17·64
1842	26,952,192	4,068,331	16·90
1843	27,192,689	4,215,595	17·36
1844	27,433,187		

The above is corrected as regards population and proportionate consumption.

Consumption of 1844, at the rate of 1831, viz., 27,433,187 persons = 4,925,998 cwts.:—	£
Revenue at 24*s.*, and 5 per cent. . . .	6,106,756
Revenue from present consumption . .	5,311,649
Difference of revenue, presuming the consumption per individual to be limited to that of 1831	£ 795,107
Supposing that, in addition to the rate of consumption in 1831, viz., 4,925,998 cwts., revenue	£ 6,106,756
Foreign sugars were consumed of . . .1,074,002 cwts. at 30*s.* duty = ..	1,611,649
or total consumption .6,000,000 cwts.	
	£
Total Revenue	7,718,405
Present Revenue	5,311,649
Probable increase	2,406,756

lowed to each individual, there was no objection to the introduction of Indian labour to the West Indies. The noble Lord opposite had made a relaxation in favour of African labour, which he did not think he could carry any further in that direction. It was proposed, also, that Chinese labour should be brought into operation. Well, he wished that with these measures, there should be combined a reduction of the Sugar Duties; but let it be made on the common and usual principles which are always acknowledged by commercial nations, and let not the Government, for the mere sake of bolstering up the consistency of the Members of their Cabinet, depart from that which was the long settled policy in matters of commerce of this and every other trading nation of Europe. His hon. Friend behind him (Mr. Ewart), might say, that they should not only do this, but he would call on them to go farther, to reduce all the duties on sugar to one level, and place the sugar of all foreign nations upon the same footing as that of our own Colonies. He admitted, that if the question were an entirely new one—if that House had to consider whether a duty should now be imposed, none having before existed, it might be extremely doubtful whether a higher duty should be placed upon foreign sugar than upon our own; or whether the general principle of equality and freedom, which was applicable to all other commodities, should not be equally applied to sugar? But it was quite another question, when we had encouraged so large an outlay of capital in the West Indies, and our other colonial possessions, when we had abolished that compulsory labour, which, under the odious name of slavery, was so justly reprobated in this country—when we had compelled the proprietors of the West Indies — notwithstanding the munificent gift of twenty millions, to go shares with us in the sacrifices attending that great measure—it then became another question, whether perfect equality could be carried out, and whether discriminating duties should not be preserved. He said, that he would, under these circumstances, preserve a discriminating duty. The right hon. Gentleman said, that he did not now propose a greater duty than 34*s.* on the sugar of Cuba. But he had been compelled to wait for the proposition of the right hon. Gentleman. According to what he had proposed in 1841, he meant to have proposed a duty of 34*s.* on all Muscovado sugars, and a higher duty on other sugars, because the Manilla sugar, and some of the Cuba sugar, were refined to a great extent, and if 34*s.* was the duty for the one, there should be a higher duty for the other. It was not until Friday that he had any notice of the right hon. Gentleman's proposition, and then he had but that evening to give notice of his intention, which was not sufficient time. Therefore, all he could do was to limit his proposition to this effect, that towards making good the supply granted to Her Majesty, instead of the several duties now payable on sugar, there shall be levied on brown Muscovado sugar, the produce of foreign countries, a duty of 34*s.* per cwt. Supposing this to be carried, it would then be for the House to consider whether the 6*s.* proposed by his right hon. Friend (Mr. Labouchere), was a proposition which should be adopted as equivalent for the manufacture which their sugars underwent, because, in all questions of this nature, he proposed to let the raw produce compete with raw produce and manufactured commodities with manufactured. He did not propose to put the manufactured sugar of other countries on the same footing as the raw sugar of our Colonies. Therefore it was the deficiency of the notice which he had received of the intentions of the Government that was to blame, and not he for the incompleteness of his proposition. With the confidence of that House which the Government possessed, he did not suppose that such propositions as those of which he was talking would be carried to-night, but he thought it of importance to state, and even to divide the House upon the point, whether we were to have a new system of policy, or were to proceed upon established maxims. He conceived that if the proposition of the right hon. Gentleman were adopted, the East Indians and the West Indians would find that the distinctive line between free labour and slave labour was for them wholly delusive, and that instead of 90,000 tons of sugar imported, great quantities of the produce would be smuggled, as the consumption required and the price would bear avowedly, and every one would be convinced that we had needlessly thrown away the good will of the Brazils and Cuba, without securing an advantage for our own Colonies. Certainly the way having been facilitated by

the right hon. Gentleman, a necessity would hereafter be felt to adopt the straightforward and clear proposition which he now made to the House. With respect to all these subjects, he should quote the words of a very remarkable person, who was once at the head of the Government of this country, and who, long ago, stated what he (Lord J. Russell) thought should be the general principles applied to all these questions of trade. It was not unimportant to state, over and over again, although the House had the authority of the First Lord of the Treasury for the abstract theory, that the principle of free competition was the straight and simple line of wisdom to which they should endeavour continually to adhere, whether in respect to coffee, sugar, or other articles—whether the House made a short or a wide step, they should endeavour to adhere to the true principle of Government in these matters—that being not, by legislation, to restrain commerce in any way. If the Government wanted duties for revenue they should levy them for revenue; but the people themselves knew best where to buy cheapest and best. Imposing heavy duties, under the idea that they would promote the wealth and interest of the country was an entirely fallacious theory; and the House ought, wherever it could, to depart from it and to return to the true principle. He said this not needlessly, because at present, by a great party which supported the Administration, prizes were offered for the best essay upon the advantages of protection to agriculture, protection to manufactures, and various other branches of industry. He wondered the Society did not add one more prize essay to the series and offer a reward for the best refutation of the works of Adam Smith. In support of the principles to which a large portion of the people adhered, he would quote the words of Lord Shelbourne, spoken on the 17th of February, 1783:—

"Monopolies, some way or other, are ever justly punished. They forbid rivalry, and rivalry is the very essence of the well-being of trade. [This seems to be the era of protestantism in trade.] All Europe appears enlightened and eager to throw off the vile shackles of oppressive ignorant monopoly; that unmanly and illiberal principle, which is at once ungenerous and deceitful. A few interested Canadian merchants might complain; for merchants would always have monopoly, without taking a moment's time to think whether it was for their interest or not. I avow that monopoly is always unwise; but if there is any nation under heaven who ought to be the first to reject monopoly, it is the English. Situated as we are between the old world and the new, and between southern and northern Europe, all that we ought to covet upon earth was free-trade and fair equality. With more industry, with more enterprize, with more capital than any trading nation upon earth, it ought to be our constant cry, let every market be open, let us meet our own rivals fairly, and we ask no more."

That was the opinion of a Minister more than sixty years ago. He was sorry to say we had advanced little since in the direction there pointed out, and now there was a proposition creating a monopoly of a new kind, a singular and hitherto unknown monopoly—declaring to the nations of the world that with them we could not trade because we condemned the institutions which existed amongst them. He trusted that we were coming to better principles and better maxims. He trusted we should recollect that of all nations it was most incumbent upon us to establish maxims of free-trade. That this was not hopeless he was convinced by the fact that only the other day the improvement proposed in the United States Tariff was negatived only by a few votes, and he was sure that if that House and the country declared that they would set the example it would have an immense effect upon other nations. At present he must say, that we could not with the best possible face lecture other nations on their illiberal commercial policy, and he owned that he had read with great astonishment a letter said to be written by the Secretary of State for Foreign Affairs, in a discussion concerning the German Customs' Union. He had not seen the answer to that letter, which he supposed was equally public; but it seemed to him that while we were sedulously studying by prohibitory and differential duties to shut out the corn and timber of the north of Europe, it was impossible for us to lecture other nations on such subjects as free-trade. Let us adopt true principles ourselves, and if they made the nation flourish, although our maxims might have no effect on other nations, they would see that our measures had promoted our welfare, and we had adapted them to our own interests. It might then be expected that they would adopt similar measures and similarly thrive. This would be best for the

world, and then, instead of having pamphlets written, propounding new schemes for making war more destructive—melancholy exhibitions of the character of the authors—we should have plans for diffusing trade, for rendering peace more beneficial, and uniting in one brotherhood the nations of the world. The noble Lord concluded by moving,—

"That, towards raising the Supply granted to Her Majesty, instead of the Duties of Customs now payable on sugar, there shall be charged on brown or Muscovado sugar, the produce of any foreign country, the sum of 34*s.* the hundred weight."

Mr. *Gladstone* would not imitate the noble Lord's example by allowing himself to be drawn, on a debate on the Sugar Duties, into a discussion on the duties levied in the German Customs Union. He was surprised at the noble Lord's conduct, considering that the noble Lord had a Motion on the Paper for to-morrow night relating to this very subject; and he could not help regarding this circumstance as a very strong symptom of the weakness and poverty of the noble Lord's case. The noble Lord said, that he had seen a letter purporting to be written by his noble Friend the Secretary of State for Foreign Affairs, which appeared in the newspapers, but that he had not seen the answer from the Prussian Government; but he had no doubt that the noble Lord had read an article in the *Edinburgh Review* on the subject of Customs Duties, a very few months ago, and if the noble Lord had read that article, he must have read the pith of the letter to which the noble Lord referred, because it mainly consisted of matter quoted from that article and other documents of a similar kind. The noble Lord stated, and in the spirit of that remark he had heartily concurred, that he hoped the Government would not be induced by any weak desire to support their consistency to propose a measure adverse to the general commercial interests of the country. In this he entirely concurred; but he thought that a heavy responsibility would rest upon them—they would be guilty of a serious offence, for which they would be justly visited with public reprobation—if they should be induced, by the circumstance of their having adopted a particular policy in 1841, to adhere to it, after they had found it untenable on commercial grounds; but it was rather hard that the noble Lord should indulge in a sarcastic congratulation, founded upon the assumption that the Government had yielded one-half of the battle-field which they held in 1841. He challenged the noble Lord to prove that. The objection then made to the proposition of the noble Lord was twofold. It was argued that, as a commercial proposition, it was hasty and premature, and that too short a time had elapsed to allow the experiment which had been made in the West Indies a fair trial. At that time only two years had elapsed since the establishment of entire freedom. Five years had now expired, and, although it was perfectly true that there were difficulties which had not yet been surmounted, yet the Government felt, and the noble Lord felt this in common with them, for he totally disavowed the supposition that, for an indefinite period, such peculiar duties as the Sugar Duties should be continued, that a time must come when the duties should be revised. He should not debate that part of the subject, because it was not at present a matter of dispute. A notice had been given of a Motion, upon which there would be an opportunity of considering it. He would only now refer to one remark of the noble Lord, to the effect that as his right hon. Friend intended to propose 10*s.* a hundred on Muscovado sugar of foreign countries, he had been led to expect that a higher differential duty would be levied against the clay sugars of foreign countries. He supposed the noble Lord calculated upon this idea. The late Chancellor of the Exchequer had made important alterations in the project brought forward by him. After having announced a duty of 12*s.* on foreign sugars generally, he proposed a duty of 12*s.* upon one kind and 18*s.* on another kind of unrefined sugar; but for that he had a special reason, which did not now exist to justify his right hon. Friend. The noble Lord was aware, that at present there was no distinctive duty on clayed and Muscovado sugar, but that both were admitted at a duty of 24*s.* per cwt. There was a very good reason in 1841 for adopting such a course, because the great bulk of the sugars of Cuba, although they cannot technically be called refined, are yet much more so than the British sugars, and, coming in at a duty rated by weight, would enjoy a great relative advantage. This does not hold good of Java and Manilla sugars, in

which the refined sort forms a very small and almost imperceptible portion of the quantity produced. There may be particular parcels of a high degree of fineness, but these parcels are not admissible at a low duty, and the distinction is therefore uncalled for. He did not therefore mean to impeach the course taken by the noble Lord's Government in 1841 in this respect. He now begged to say that he denied, so far as the commercial part of the question was affected, that there was any ground for the noble Lord taunting the Government with inconsistency, or that they were maintaining the principle of commercial monopoly in 1841. If it were really worth while to enter into this argument, which, after all, was a personal one, he could show what had been stated by the hon. Member for Antrim—a great authority on this subject, and who, in 1841, entered his protest against what was proposed, and said that the arguments advanced rested upon false and erroneous principles—he said that it was not enough for them to argue this question on the ground of the Slave Trade, but that they must look to what would be the effects, in a commercial point of view, of the proposition then made. He was quite sure that the noble Lord was the very last man in that House who ought to taunt the Government on the ground of inconsistency; for, if their opinions had undergone a change, it was not to be forgotten, that the opinions of the noble Lord on this very subject had undergone a most extraordinary revolution between July, 1840, and the early part of the year 1841. The change in the noble Lord's opinions surely was a more extraordinary change, than if the opinions of the present Government had undergone a change within a lapse of three years. A modification of opinion on the part of the Government assuredly might be pardoned by the noble Lord, that is, if there had been a modification, which he disavowed; but even if such were the case, surely the noble Lord, did not mean to make that a Parliamentary objection to their present proposition. His right hon. Friend had, as it was affirmed by the noble Lord, grounded his Motion on the high price of sugar in the market. His right hon. Friend had not said that the high price which ruled the market at present was the inducement to the change he made, but he had said that the price was 2*s.* higher than it had been last year. He had said undoubtedly that the price had been considerably raised, and that that might form a sufficient reason for proposing an alteration in the law; and yet as to the rise of price, it must be plain that the price would have risen much higher if there had not been generally prevailing throughout the country the impression that some alteration would take place. This was manifest, for it had been some time since intimated by his right hon. Friend that some change would take place. The sugar market, therefore, had been slackened by the expectation of such a change; whereas, if there had been the certain knowledge that there would be no change in the law, the price of sugar would have been considerably higher—nothing certainly to resemble what it was in 1841, but still considerably higher than it was at present. He assured them, as far as the interests of those connected with the British Colonies were concerned, that no charge could be made against the Government that they were unreasonable in their proposed change of the present law, or that the objection could be made against them that they did not provide sufficient security for the maintenance of the same relative proportion between the supply and the demand which had prevailed for the last two or three years. As to the merits of the noble Lords's propositions, and the objections of the noble Lord to the propositions of his right hon. Friend, he must say a few words. The noble Lord had protested against the new principle of distinctive duties. Now, it was not for the purpose of taunting the noble Lord, but it was for the purpose of supporting his right hon. Friend that he must call the noble Lord's recollection to what had occurred in 1840; and when the right hon. Gentleman opposite laid down a principle which would have caused the introduction of sugars the produce of free-labour, and would have imposed duties on sugars the production of which was connected with the Slave Trade, the right hon. Gentleman then did not approach the consideration of the question on the consideration of commercial principles alone. The right hon. Gentleman then said that he knew there was a distinction to be made in free-trade and slave-trade sugar, and that he intended to introduce a new principle, and for saying that, he was now taunted by the noble Lord who sat beside him. But

the real question was, whether, as a question of public policy, as a question of humanity, as a question of how they were to obtain the greatest good, what course they ought to take, and whether this principle ought or ought not to be introduced. But then the noble Lord had said, and he had been pleased to be witty on the point, "Do not place your character for morality on the sugar trade; do not erect a pulpit in your long room; do not turn your tide-waiters into preachers of anti-slavery doctrine." Perhaps the noble Lord, according to ordinary rules of policy, would not base his naval operations upon morality; perhaps the noble Lord would not deem it right to erect a pulpit upon the deck of a man-of-war, nor to convert our naval captains into preachers of anti-slavery doctrines; and still the noble Lord, aided by his noble Colleague near him, (Lord Palmerston) had done all this; he had erected pulpits upon the decks of war cruisers, as he said the present Government had placed them in the long room—he had preached morality by the lips of naval officers who were employed in the suppression of the slave trade; and the question now was this—not whether the course at present taken was one of commercial policy alone, but the question was one that regarded that great policy of suppressing slavery, which the country had pursued. The noble Lord said, at one and the same time, "You ought to use your best endeavours to suppress slavery—you ought to admit Brazilian sugar, you ought to encourage the production of sugar for which the Slave Trade is carried on, and you ought to have your cruisers on the coast of Africa, to entrap those ships which are bringing over the slaves to cultivate the sugar, the production of which you encourage." That was the paradox of the noble Lord on the subject of slavery. He did not mean to say, that the principles applied here should be applied in ordinary cases. There were few theories that, however sound and good in themselves, could be applied in the mixed variety of human affairs without modification. It was not to satisfy any theory on this subject, that the Government proposed the present measure, or that he gave it his support, it was not because no evil might attend it, but he anticipated a balance of good, and objected to the course suggested by the noble Lord, because national dishonour must be the consequence attending it, and therefore some modification must be adopted, such as the Government proposed. The noble Lord had begun by alluding to Germany and Russia, and the noble Lord said that they could have no adequate security that the sugar they were to receive was the produce of free or slave-labour. The noble Lord had endeavoured to confound the distinction between slavery and free labour, and had resorted to that which he must call something akin to sophistry, when he said, in reference to Java, that, after all, they had nothing to warrant them in assuming that sugar, the produce of that country, was the produce of free labour. They had not the certain means of information as to every thing that concerned the state of Java; but with regard to its laws and the condition of its labourers, they had ample means of information; and the noble Lord might perhaps recollect, that in arguing for the admission of foreign sugars into our market, it was said that it might be fair to exclude all foreign sugars that were the produce of slave-labour; but they ought to make an exception in favour of the sugar of Java, as that was the produce of free-labour. He believed labour in Java was free. He believed that the system in Java was, for the rent to be paid in proportion to the produce, and in some cases, such for instance as regarded the cultivation of rice, the rent was calculated by a certain number of days of statute labour. Now, the payment of rent in produce, or in proportion to produce, was growing much into favour, in this country. It was thought that it would be a great improvement in agriculture, if payment of rent in kind were more commonly introduced into this country. So far as regarded the occupation of land in Java, no man was compelled to hold land there against his will; but if he did hold land, he was bound to make it yield a certain portion of produce. It was the same in this country; if a man held land he was bound to pay rent. He believed that this was the state of things in Java. No person need hold land if he did not choose, and he was free to quit it, just as the farmer here was free to quit his land. In both cases certain obligations were to be fulfilled. He had not been successful in obtaining a perfect copy of the code of laws in Java, and there would be he less surprise for his want of success in this respect, when it was known that he was

not able to obtain a perfect copy of the code of laws of any one of their own Colonies. He believed that it was incumbent on those who took land, to take with it a certain number of families located on the land. There was beyond that nothing compulsory in the system at Java. Beyond that adscription to the soil, there was nothing compulsory in labour in Java. In Java, however, there was domestic slavery. This was not the result of any new importations. These slaves were the remainder of persons who had once belonged to Sumatra and some neighbouring Islands; but they were not employed in agriculture; they were used solely for house purposes, therefore he called it domestic slavery, and even that system of slavery was on the point of death, whilst it had no connection with the agricultural labour of Java. Knowing these facts, he could not see that there was any difficulty as to the proper mode of dealing with Java. As to Siam, it was not included in these Resolutions, and the reason was, that they had not the means of assuring Parliament, upon such evidence as Parliament ought to be satisfied with, that slave-labour did not prevail in the kingdom of Siam. Whatever trade there was with Siam in sugar was not carried on by merchants with the sugar growers of Siam; those who dealt in the article had the high honour of carrying on their trade with the Monarch of the country, not a sugar grower himself but a sugar dealer, and a sugar broker. He was the only person with whom they could deal, and as they had not sufficient means of obtaining information as to the internal state of the country, from the jealousy that was observed towards foreigners, they had, therefore, to reserve for future consideration the sugars of Siam. They might expect then to obtain a supply of sugar, first from Java, with respect to which his own mind was perfectly satisfied, though the noble Lord cavilled on the point, that the sugar was raised by free-labour. They had next Manilla, and then they had the great empire of China. As to the last, they had not such a commercial knowledge of the interior, as to be able to say whether it would give them a great supply of sugar. He had, however, seen the sugar of China quoted in the *London Price Current*. [An hon. Gentleman said it was "sugar candy," and that was so much the better.] Setting aside then all ambiguity, and giving to the noble Lord the advantage of the doubt, as to whether certain states produced free or slave sugar, there were here three countries, of which it might be confidently asserted that the sugar was produced by free-labour. From these three countries the supply yielded would not be an insignificant one. It was estimated that the supply from Java annually was 65,000 tons; Manilla, perhaps, might give from 20,000 to 25,000; making about 90,000. To this was to be added what might be expected to come from China, and also from Siam, if the sugar produced there fell within the conditions of the law they were about to propose. He did say, then, that they might calculate upon 100,000 tons of free-labour sugar as likely to be brought into the markets of the world. The noble Lord had assumed that 90,000 tons would come into the London market from Java; but we must begin by cutting off one-half from that amount. Under the peculiar relations that exist between Java and the Netherlands, half of the amount of the produce in sugar of Java was sure to go from Java to Holland. The consequence was that from 40,000 to 50,000 tons must go direct from Java to the mother country, and the noble Lord must know as a fact, that which others who undertook to discuss this question did not appear to be acquainted with, that no portion of that sugar could under our Navigation Laws, come into the consumption of this country. If they, then, were to say that from forty to fifty thousand tons could be introduced into the British market, they would say that which would be about the correct state of the trade. The noble Lord had also spoken of the trade between Brazil and Russia, of bringing the produce of Brazil to Russia, and then bringing the produce of Russia here, and he asked why not bring the produce of Brazil direct here? Why that very same thing had been said in 1840. The hon. Gentleman (Mr. Ewart) near the noble Lord had then proposed it, and yet the argument was then thought by the noble Lord to have very little weight. It might be right, or it might be wrong, this system. He was not now going to argue whether it were or not; but then he had to observe that the trade was one which they could not prevent. He apprehended that they could not prevent it; nor did he think there could be found a person bold enough to affirm that he could prevent a particular trade between Russia and Brazil, nor that he could so

conduct the trade between Russia and this country as to put a stop to a trade like that. If he then were to grant that to be an evil, he said, let them show an evil that was remediable, and he would apply himself to that evil for the purpose of curing it. The noble Lord said that he never knew a greater example of inconsistency than this. He was however, not now going back to 1840, to show to the noble Lord his own inconsistency, but to the short period of only one month. The noble Lord said, you cannot stop the trade as respects the revenue of the sugar in bond, and therefore you ought not to attempt to deal with the question as you propose. The noble Lord had treated a similar argument that was made a few weeks ago with much disrespect in reference to a most important subject as affecting the labour of this country. He alluded to the legislation on the Factory Question. It was then shown that there were other labourers in a much worse condition than those employed in the factories, and yet we did not attempt to touch them. What was the answer of the noble Lord? He was not now saying whether the noble Lord were right or wrong in making such a reply; but in taking the same line of conduct in respect to this subject, he did not think that the noble Lord could fairly make use of the same argument against us that he had replied to in this manner when it was made against himself. "It is true," said the noble Lord, "I will apply this remedy when I can. I am not at all moved by your argument of inconsistency in dealing with this class exclusively; for if I can show you the practical advantage of applying a remedy to this particular evil, then I say it is no answer to me to say, 'There are twenty other cases to which you cannot apply the principle.'" In the same way, he said, that you may contend as you like on the alleged inconsistency of the proposition of the Government; but if the Government cannot apply a remedy so as to meet the entire evil, was it to be stopped from applying it where the application was practical. A great deal had been said in reference to tobacco, cotton, and coffee. He did not impeach those who used this argument, for he admitted that it was a debateable question, but surely there was a great distinction in the articles; tobacco, for instance, was not brought in competition with the produce of free-labour; and surely, too, there was a great difference between the establishing of a trade, and after a trade had been established, resolving to destroy it. No man would say that it was exactly the same thing to uproot an existing system of commerce and to establish a new system of commerce, though both were on the same principle. But then he was again told of tobacco, and cotton, and coffee, and other articles which it was said were the produce of slave-labour, should be admitted or prohibited the same as sugar. There was however, a very important distinction with respect to them. There was not one of those articles that could be said, like sugar, to cause the perpetuation of the Slave Trade. Coffee did not cause it. There was St. Domingo, which had a great sugar trade so long as slavery subsisted. Slavery was abolished, and the exportation of sugar was done away with as well as slavery, and coffee was substituted as its trade, and now was a very large one. The Slave Trade was not carried on for the purpose of transplanting families, but for the purpose of having adult labour, and chiefly adult male labour. Now, in the produce of sugar there was very little employment for any other than adult male labour, females had but little to do with it, and children nothing at all. It was not so with coffee. A great many persons of different ages were employed about it. Thus it was more suitable, and so was cotton, for the employment of families. There was, then, an advantage in the cultivation of coffee, where there was free-labour, which sugar had not. The noble Lord had then used an argument on which he laid very great stress. It was the one most in the mouths of those out of doors who undertook to discuss this question, and as it was a very fair and proper argument, he did not wonder to see it taken up by an adroit debater like the noble Lord. The noble Lord said that whatever free-grown sugar England might take out of the general market would be replaced by slave-grown sugar, and we should give as much encouragement in that way to slave sugar as if we directly purchased it. The noble Lord relied much upon that argument, but even if the noble Lord could show that such would be the result, he should deny that they could be chargeable with it. He contended that if they adopted a policy in favour of free-labour, they were not to be

chargeable with the employment of slaves, or the use of the produce of slave-labour in other parts of the world. When they abolished slavery in the British dominions, they were told that the consequence of that abolition of slavery in their own dominions would be to encourage the production of a larger quantity of slave sugar for other markets, as the void they were about to make must be filled up. There were 240,000 tons produced in the latter years of the system of slavery in the British possessions. It was notorious at the time that after emancipation the produce in their possessions would not be so large, and though it was clear that the vacancy created must be filled up with slave-labour, still they said, making the same answer as he made, whether others followed their example or not, they at least would relieve themselves from the guilt and the responsibility of employing slaves. They set the example and left it to others to follow it. The Danes had abolished slavery, and the example of England had led to a movement in France, which it was to be hoped, for the honour of that great country, would meet with success. They were not, he said, to be held responsible for that which was done by other nations. They gave to other nations a good example, and then left other nations to adopt that course which they thought best. The noble Lord said that they would give the same encouragement to the slave-grown sugar of Brazil and Cuba, under the present regulation, as if they had a direct trade with those countries. He denied this; for if they adopted the proposition of the noble Lord, the consequence would be the introduction of the capital of this country into Cuba and in the Brazils, which would be made available in the production of slave-grown sugar. Now, what had been the effect of the policy of this country of late on the slave cultivation of sugar in the Brazils. Many estates there that were used to cultivate sugar, had in the last five years gone out of cultivation. The exclusion of their sugar from the British market made the cultivation no longer profitable. According to the language of the noble Lord, it might be supposed that there was some charm in the British market—that persons thought it so high an honour to deal here that they came here in preference to other places. But it was the price which determined the trade, and what, he would ask, was the price in the British market? It was by 10*s.* 6*d.* higher than the price in the other markets of the world. He supposed that the charge must be met either by a fall of the British market to the general price of the markets of the world, or by a rise in the price of particular sugars on being admitted here. Taking the whole case into consideration, he did not think that the disparity between the British market and foreign markets would be more than 2*s.* after the change. He thought that Java and Manilla sugar, on account of being admitted into our markets, would bear a higher price—a shade higher, probably, than that of Cuba and Brazil. This difference, which he admitted, would not be very great, would still operate, as far as it went, as a positive premium upon the extension of sugar cultivation, not in Cuba and the Brazils, but in Java and Manilla. It could not be denied that the first effect of this would be to give encouragement to free-labour sugar over sugar of slave produce. This, it was said, would produce a void in the stock of free-labour sugar in the markets of the world; and how was it to be filled up? It was answered by slave-labour sugar. But how did this appear? The noble Lord spoke as if the production of sugar in Java and Manilla was carried on upon such principles that it was not susceptible of increase. He contended, on the contrary, that this was not the case, and that the effect of this measure must, in the first instance, be to give an increased value to free-labour sugar, and permanently to raise the value of free-labour. He did not mean to say that there would not be a tendency to keep down the price of Java sugar in this country to that which it bore in foreign markets. He knew the doctrines of political economy, that there could not be two prices; and which, in general, was a true one. But still he would venture to assert that there were some articles which, from the peculiar circumstances connected with them, formed an exception to that rule, and obtained a different price in different markets. The next question which would have to be considered as an element in this matter was, the quantity of foreign sugar which this country would be likely to require. It was difficult to say what might be the case some two or three years hence, when the productive powers of the East Indies had been called into full oper-

ation; and upon this point he agreed in the observation which had fallen in a late debate from an hon. Gentleman opposite, that our Eastern possessions had laboured under great disadvantages from the uncertainty which attended all the regulations of their commercial interests with this country; and he argued that it would be better in regard to those possessions if they could pass the Sugar Duties for five years instead of one, the effect of which would be to give a great development to the productive power of India. But still, looking at all the circumstances, he did not for the present, at least, expect to see a demand for more than 20,000 tons of foreign sugar upon the passing of this measure, and such a demand as this, he thought could not produce any very sensible effect upon the market of slave-grown sugar throughout the world. If he could believe that it would greatly tend to the encouragement of the sugar of Brazil, he should regret the result; but believing, as he did, that the direct encouragement to the free sugars of Java and Manilla would be much greater than any indirect encouragement which it would afford to the slave-grown sugars of Cuba and Brazil, he could only congratulate himself upon the change, as one likely to give a premium to free-labour over slave-labour. The noble Lord had alluded, at some length, to the possibilities for the fraudulent introduction of slave-grown sugar which this measure would afford, calling into use all the powers of illustration and invention with which he was so pre-eminently gifted. The noble Lord had alluded to a supposed Custom-house regulation in America, whereby any quantity of an article of foreign produce might be admitted free of duty, provided a similar quantity of the same article were exported. Now, such a regulation as this, he (Mr. Gladstone) had never heard of. [Mr. *Hume:* Grinding corn in bond.] The hon. Gentleman referred to the Grinding Act; but this was a very different case from the present one. By this Act parties were allowed to import a certain quantity of corn—the raw material, duty free—provided they exported an equivalent quantity of corn or biscuits, being a manufactured article. This Act was, therefore, nothing else than an encouragement to a particular branch of manufacture. The introduction and exportation of a certain quantity of the one and the same article in the same state, was a very different matter. But he would not speak positively whether, in the constructions which might be put upon the customs laws in America, some such regulations might or might not exist; all he could say was, that he had searched all the records within his reach, and he had inquired of practical men interested in the commercial laws of America, and he had not succeeded in finding any trace of such a regulation as the noble Lord described, nor did he understand by what process it could be the interest of America to adopt any such course of proceeding against this country as the noble Lord contemplated. Commercial conventions existed between this country and America, and it was as competent to this country as to America, by notice to interrupt the continuance of that state of things. The noble Lord had contended that the prices of bringing sugar to this country, would be less than to carry them from the southern to the northern parts of America, on account of the heavy call for stowage to accompany the freights of cotton; but cotton was exported from the southern to the northern parts of America, as well as to Liverpool, and therefore afforded an equal opportunity for the conveyance of sugar. He thought, therefore, that sugar and cotton were respectively in about the same predicament as regarded the northern ports of America, and as regarded the ports of England. But it was remarkable also that one of the great complaints of the British manufacturers was the great cost of carriage to this country of the raw material, and this same disadvantage he expected would apply to the consumption of sugars exported from America into this country. He thought, therefore, that as a general principle it would be against the Americans to send sugar from New Orleans to this country, in preference to sending it to their own ports. He had examined the prices of sugar in the New York market for the last eleven or twelve years, taking those descriptions of sugars which most nearly corresponded with those consumed in this country, and he found that the general average of their prices was 35*s.* Now the price in England last year was only 33*s.*, and the price now was only 35*s.* or 36*s.*; and he thought he would be a very bold man who anticipated that the prices would, on the average, continue as high or higher than at New York. Let us consider what prices the American

would get. He would get a price about 1*s.* better than the price he would get at Rotterdam, or any other open market. But in his own country he gets 12*s.* more, for the American pays no duty in his own country; whilst the foreigner in New York and Boston and other towns, pays 11*s.* and 12*s.* duty; and yet the supposition of the noble Lord was, that the American grower would come here to pay duty. Then the noble Lord said, that the duty may be reduced or taken away. He differed from the noble Lord most widely. The protection of 25 per cent. was regarded as a kind of general right. There is no class in America that does not clamour for protection; in this country there are many who are indifferent to it, and some who are opposed to it. And the noble Lord will also observe, that this is a political question. The integrity of the Union is not secured by bonds so indissoluble as to render it a slight matter to make commercial changes, which may bear on one state more than another. Louisiana and some of the neighbouring States raise a great deal more sugar than other countries of the Union; and nothing can be more improbable than that America, whilst she recognises the principle of a high protective system for her own manufactures, will consent, in reference to the produce of a particular State, to introduce the principles of free trade. The improbability is raised to the highest degree, because, the argument was, that America will reduce or take off the duty for the interest of her own sugar-growers. When it is stated in that form, does not the noble Lord see that a more untenable argument could not be advanced? The effect of the present duty is to secure to her own grower a price 40 or 50 per cent. higher than the general market of the world, and that duty, forsooth, is to be reduced or taken off, for the sake of securing the high privilege of annoying the English Government, and selling their own sugar 9*s.* or 10*s.* a cwt. less than they now do. Then it was suggested, that the charge now proposed to be made in the Sugar Duties should be suspended until time had been given to ascertain the effect of the introduction of additional labour into the West Indies. He could not bring himself to expect that any material change could take place on this account for at least two or three years to come; and this being the case, he did not think it would be just to tax the consumers of this article, by inflicting upon them a high price, when it was possible to reduce it. He did not pretend to deny that the West Indians were already oppressed with an accumulation of disadvantages, and that the present measure would operate in some respect against them. He believed, indeed, that for many years a great number of the West Indian proprietors had been losers by the cultivation of their estates. He knew, indeed, of some estates, which were considered to be as good as any in the West Indian islands, which in 1840, although the public were then paying what was called a famine price for sugar, did not pay their expenses. But this was a question which should be approached and discussed upon a consideration of the balance of interests between parties, and the State in general. With respect to the West Indian Colonies, he did not believe that it would be in the power of the Legislature to bring them into a sound and healthy state of cultivation, even if the present duties were continued for twenty years. Many things were wanting before these Colonies would be restored to a healthy and profitable state of culture. New labour must be introduced—a new system of management must be adopted, substituting a resident for an absentee proprietary. This was a point which could only be obtained gradually, but at the same time, it was a more important element than any other in the consideration of this question. The West Indian Colonies had no doubt a crisis before them, which they would have to pass through, and they had a right to expect from the Government of the country all the assistance which could be granted them, consistently with what was due to the rest of the community. [Mr. *Bernel*: Hear.] The hon. Member cried "hear," but not as he thought quite in the spirit of fairness with which a question of this sort should be met. He proposed to levy a duty of 10*s.* 6*d.* upon foreign sugar, which was equivalent to 50 per cent. of the price, and he would ask was this nothing? As far as the protection of a Customs' Duty went, he thought that the Government had done their part by the West Indians in this matter. But, as he said before, the Government, besides the interest of the West India producers, had to consider the interests of the consumers in this country, and the influence of their

measures upon the Slave Trade. The noble Lord was pleased to condemn the present proposition, on the ground of inconsistency. But he thought that if there was any inconsistency in this measure as regarded the question of the suppression of the Slave Trade, there was much more inconsistency in the measure which the noble Lord proposed. Considering the expense of treasure and blood which had been incurred in order to carry into effect the suppression of the traffic in slaves; considering that our cruisers were stationed on the African coast, for the purpose of intercepting the conveyance of slaves to America, he thought that it would be in the highest degree inconsistent and incapable of any tolerable explanation in us, if we should give, by a measure such as the noble Lord proposed, an additional stimulus to the production of sugar made by the hands of those slaves whose importation into America we made such vast sacrifices to prevent. Whilst upon this point he must be allowed to say, that he hoped the noble Lord would not again revert to his charges of hypocrisy against Her Majesty's Government in framing this measure. He thought, to say the least, that these were extreme charges, which should not lightly be made. He considered that to accuse a man of hypocrisy, was to accuse him, not of a mere infirmity or error of judgment, but of one of the basest and most execrable vices which it was possible for a man to possess; and, considering that he did not think it was in the power of the noble Lord to show that any personal interests were promulgated by this measure, he thought it was going somewhat beyond the latitude of ordinary parliamentary discussion to charge the supporters of it with hypocrisy. However, he did not think that such a charge, if true, could be the less believed, from the simple fact of its being denied, or that if unfounded, it would be the more likely to be credited, because it was not denied. He should, therefore, leave the charge upon the present occasion entirely to the consideration of the House and of the country. But if hypocrisy existed any where in this matter, it was worthy of observation that it was participated in by some of the best and wisest men of both hemispheres—by men who had sacrificed their personal friendships and political connections to the great cause of slave trade abolition—by such men as Dr. Lushington, Sir Thomas Buxton; he believed, Mr. Clarkson, and Mr. Sturge. [Mr. *Baring*: There is a difference of opinion amongst the members of the Anti-Slavery Society.] He did not deny it, but the Anti-Slavery Society, by a deputation with which he had an interview some little time back, declared their approval of this measure, and they said that the cultivation of sugar had a connection with the Slave Trade which was not traceable in the same degree of guilt in the production of other articles. So that the authority of those who were undoubtedly the most competent to form a correct opinion on the subject, was in favour of the course which the Government proposed to pursue, and advocated, not because it was perfectly consistent with our former policy, but as the course more calculated to effect the greatest amount of good with the least practicable amount of evil than any other. He (Mr. Gladstone) recommended the proposal to the Committee, therefore, with the greatest confidence as to its results, and until it could be shown on the other side that the adoption of that proposal would have the same effect in encouraging the Slave Trade by increasing the facilities for the admission of sugar cultivated by slave-labour in Cuba, or elsewhere, as would the adoption of the course proposed by the noble Lord (Lord J. Russell), they were bound to adhere to it, as being conducive to the interests of trade, and at the same time vindicating the consistency of the country, and promoting those great objects which, in reference to the Slave Trade, it had so long pursued.

Mr. *Labouchere* observed, that there was one part of the speech of the right hon. Gentleman, in regard to which he should offer but a very few words—that was, as to the consistency or inconsistency of any party in that House in reference to the present question. He did not by any means undervalue consistency in public men, and he had endeavoured on more than one occasion to defend himself, and those who acted with him, when the charge had been made; but on the present occasion so strongly did he feel the importance of the question under consideration, that he should content himself upon the point of consistency with repeating that which he had at former times stated, when particular passages from particular speeches, made when the late Government were opposing the

change proposed by the hon. Member for Dumfries, were quoted to prove the charge of inconsistency against them, viz., reminding the House that a distinct and specific announcement had then been made by his lamented Friend the late Lord Sydenham, who was at the time President of the Board of Trade, that it was his opinion, that either at or before the termination of the Brazilian Treaty, it would become the duty of the House of Commons to consider the whole question of the Sugar Duties, foreign and domestic. The reference to that statement of Lord Sydenham was, he thought, so complete an answer to the charge of inconsistency, that it was necessary to do no more than to allude to it, to dispose at once of the charge of inconsistency, in regard to the Government of which he had been a Member; and as far as his own personal conduct was concerned, he would merely remind the House that the very first year he (Mr. Labouchere) held the office of President of the Board of Trade, he was at Liverpool, and a deputation of gentlemen connected with the West-India interest waited upon him there, and referred to that declaration of Lord Sydenham's, stating that it occasioned great alarm, and wished him to say that that declaration was merely the expression of Lord Sydenham's opinion as Member for Manchester, and that on the part of the Government and of himself, he would be prepared to disavow it. To that request he most unhesitatingly and distinctly replied that he was not prepared, as a Member of the Government, or on the part of the Government, to contradict, disavow, or qualify that declaration. So much for the inconsistency of the late Ministry, and those with whom he acted; but as to the consistency of the Government opposite, if he had ever cherished resentment against them, on account of the handle they had made of the West-India interest and the Slave Trade question to turn out the late Ministry, he should feel that he was now fully revenged in seeing the conduct they had pursued on that occasion had compelled them, the Ministers of a great commercial country, to come forward, and in the face of that country, and the world, make such a proposal as they now submitted to Parliament, and defend it upon such arguments as they had heard from the two right hon. Gentlemen, the Chancellor of the Exchequer and the President of the Board of Trade. That the course proposed was of a novel and unprecedented description no one could deny, and the arguments by which it was supported, as applying to the question itself, were of a totally novel and unprecedented description. He agreed with the right hon. Gentleman who had last spoken, that a question of such magnitude as the Sugar Duties, involving important considerations in regard to the commerce of the country and trade of our colonial possessions, should rest upon grounds and be settled upon principles that could be permanently maintained, and stand the test of reason and experience. He agreed that such a settlement was a point of almost paramount importance; and it was because the Government had not in his opinion fulfilled those conditions in the settlement they proposed, but that, on the contrary, their scheme was uncertain, fraught with change, and unsound in principle, that he opposed it. In the first place, if there were no other objections, it was quite clear that the plan proposed could not be a final settlement of the question. He would begin by taking it for granted, for the sake of argument, that which the Government had asserted, that no frauds would be committed, and that none but *bonâ fide* free-labour sugar would come in; admitting this, he contended that they were incurring great, positive, and certain evils, for the sake of benefits, to say the least of them, visionary and unsubstantial. Right hon. Gentlemen opposite might say, "we are right in doing this, for the sake of the great moral object we, in common with the whole country, have in view; but he apprehended no one would contend that to denounce by commercial legislation such a country as the Brazils, or the Spanish Colonies of South America, consuming, as they did, some millions yearly of our manufactures, was any slight hazard, or an evil which ought to be incurred, except upon certain and substantial grounds. No one would dispute the existence of the difficulties of which the merchants trading with these countries now complained, viz., that they could not procure a direct return from the Brazils for our manufactures exported thither. This state of things, which, in itself, was a great evil, was not only continued by the plan proposed, but the Government did more; they raised up a hostile feeling in the minds of the people of those countries against this country, which might be attended with the most fatal consequences to our trade, by leading them to hostile commercial legislation against us. If men would consult reason and their own inter-

ests, he was aware they would not legislate in such a spirit; but, unfortunately, mankind were not so constituted as to be always amenable to reason, and the Legislatures of the countries to which he had referred were just as likely (and more so) to be influenced by passion, and a desire to retaliate, as by reason and sound sense. In dealing with such a question he feared that they would feel acutely the affront that was thus put upon them by the measure of the British Parliament, and that it would affect their course of legislation in regard to their commercial relations with us. And he believed further that Government, by their non-intercourse doctrine, with regard to sugar, were doing more to prevent the natural effects of that influence which he hoped this country would always continue to exercise in every country with which she had relations in behalf of the negro population—that that would do more evil in that direction than this paltry measure of excluding slave-grown sugar could possibly do good by stimulating free labour. He agreed with the right hon. Gentleman, that we must not over-rate the probable commercial effects of the proposed change; and the right hon. Gentleman admitted that no enormous influx of foreign sugar could be expected to come in. The right hon. Gentleman had estimated the quantity at 20,000 tons; the right hon. Gentleman's estimate, however, was extremely vague; he should perhaps be inclined to put the amount somewhat higher, but he believed nobody calculated so high as 40,000 tons. There would not, therefore, be any immense influx of foreign sugar from this measure of any sort. That was an important matter, when they considered the question mooted by the right hon. Gentleman as to how far the measure was to be looked upon as a discouragement to the consumption of sugar, the produce of slave-labour, and consequently the Slave Trade, in respect to those countries in which that sugar was produced. The discouragement amounted then, as had been said, to a mere shade—he (Mr. Labouchere) would say rather to the shadow of a shade. According to the right hon. Gentleman, we should receive some 20,000 tons of foreign free-labour sugar under this new rate of duties, but the right hon. Gentleman admitted that the amount of free-labour sugar produced in the East was considerably more than 20,000 tons—in fact, about 50,000 tons, which were available, and if the Dutch commercial regulations should be so altered as to admit the Java sugar, it would amount to 90,000 tons. But a part of this only would come here—20,000 tons might come to England, and the surplus be exported to Germany and the Continent. There could not however be two prices, for the price of sugar in the markets of London and Liverpool would always be governed by the price of sugar in Germany and other places on the Continent. This he thought was self-evident. The right hon. Gentleman had admitted that this was true in the main, but not to the full extent, and that there would still be a shade of advantage in favour of free-labour sugar. But was it for a shade of advantage, and the stimulus to production by free-labour which that would afford that they were to incur this great risk? For his own part he thought the word shade was too strong an expression; and he believed that a ton of Cuba sugar and a ton of Manilla sugar would, under the proposed law, be of precisely the same value. With regard to the Slave Trade, the moment this free-labour sugar was withdrawn from the general markets of the world by the consumption of this country, the vacuum would be filled up by sugar the produce of slave labour, so that, in fact, within a shade they would be encouraging the cultivation of slave-grown sugar in the Brazils and Cuba as effectually as though it were admitted directly into our own ports. He denied, therefore, the advantage and the inference of the right hon. Gentleman. If they took the whole, or nearly so, of the sugar produced by free-labour throughout the world, there would be something in the argument; but as they could only take a very small part of it, the rest would be necessarily exported in the competition with slave-labour sugar. He denied therefore, that they, in point of fact, by the proposed plan gave any discouragement to slave-labour sugar, but, on the contrary, they encouraged it. And when the Government proposed such a measure as that now under consideration so fraught with danger to the commerce of the country, he held they were at least bound to show that it would interpose some practical discouragement to the Slave Trade. Hitherto he had discussed the question as though the measure without reference to its opening a door for fraud. The right hon. Gentleman the Chancellor of the Exchequer had discussed the question of fraud in a very summary way, and seemed to have the most implicit faith in the virtue of the required certificate of origin, and was sur-

prised that any one should doubt that there could be any fraud in the case. He was sorry to say, he could not share in that confidence, nor did the mercantile community or the West India interest. [Sir *J. R. Reid*: "Hear."] The hon. Member for Dover, who was connected with the mercantile and West India interest, cheered that observation, and he was glad to have that hon. Gentleman's confirmation of his opinion. He did not believe that the experience of the past tended to prove that the certificates of our own Custom House officers were to be depended upon with entire confidence in all cases; but when they talked to him of the certificates of a foreign country—a certificate of the origin of sugar from New Orleans for instance, with no other security than the signature of the British Consul—he said, that to place any reliance upon such a document would be absurd. He apprehended that Mississippi certificates would be of about the same value as Mississippi bonds, aud that the air of that country would be found equally prejudicial to both descriptions of securities. He saw with alarm under these circumstances—looking at the little prospect of the Government effecting even that small amount of advantage which they anticipated—the probability of the injury which would be inflicted upon our trade, not with America alone, for the right hon. Gentleman (the Chancellor of the Exchequer) had read a long list of places, as Mexico, Venezuela, Buenos Ayres, and other countries, with respect to which this country was bound, under treaties, to admit their produce upon the most favourable terms. How then would they refuse admission to a cargo of sugar coming from either of these countries accompanied with the required certificate? This was the difficulty they would be placed in by adopting vicious and paltry principles in legislating upon commercial subjects. No man could tell where the difficulties consequent upon that legislation would stop, He defied any man to tell what would be the effect of the measure. Founded as it was upon false and untenable principles, it must produce mischief and confusion and nothing else, and its evil results would soon become so obvious that they would be obliged to alter it. But what would be the consequences in the meantime? He argued that it was of the utmost importance that the character of the country should stand clear on the subject of the Slave Trade. He had never spoken with disrespect of the solemn and religious feeling of the country, as to the long continued iujuries and suffering of the negro race, and he was satisfied, that the emancipation of that race was the brightest page in our history. We might have been sometimes mistaken, and suffered disappointment, but it was that conduct regulated by moral and religious feelings which was the source of England's greatness. But the more he felt this, the stronger was his conviction of the importance of at all times showing to the world that our policy was unconnected with hypocrisy or with folly. And when a scheme was thus propounded, denounced as he believed it had been every where, especially in the mercantile world, as at once absurd and impracticable—and he challenged contradiction from any Gentleman on the other side who knew anything of the opinion of the merchants of the country—he was very much afraid that foreigners would be inclined to form the same opinion as our own merchants, and that we should not stand higher with the world than we had done, or be able to promote so effectually the objects the House and the country had at heart, in reference to slavery and the Slave Trade. He would not now go into the question as to what would be the result with regard to the United States. It was difficult at present to predict what course that country might adopt. He was disposed to agree with the right hon Gentleman in doubting whether the inducement to supply England with sugar at the scale of duties proposed, would be any temptation to the American Government to alter the recent modification of her duties which they had thought it right to adopt. But he had received a letter, which he felt deserved some attention, from a Mr. Innes, a gentleman of great experience upon this point, who stated that the southern states were more calculated from their circumstances to facilitate the introduction of slove-grown sugar into this couutry than the northern, and that this country would be a better market for American sugar than New York itself. Then with regard to the effect on our own Colonies, and especialiy our West India Colonies, he had never contended and never would contend, that the House or the country, by the large and magnificent sum of 20,000,000*l.* which had been given as the price of emancipation, was altogether absolved from the duty of attending to the circumstances of these Colonies. He had always felt that that was not a mere liberal and generous but a just view of the case. He therefore, was rejoiced to hear on a

former evening from the noble Lord the Secretary for the Colonies, that Government were prepared to take active measures for facilitating the immigration of labourers into the West India Colonies. And he must also say, that it would have been more satisfactory to him, if Government had felt themselves justified in proposing at the same time with the present measure a reduction of the duty on Colonial sugar. He begged he might not be mistaken upon this point. He could not he felt, vote for the amendment to be proposed by the hon. Member for Bristol, which went to impose a larger differential duty on the people of this country than was proposed by the Government; for he was convinced that every shilling so imposed would not be for the benefit of the country or the cause of emancipation, but for the benefit of the West-India Colonies, at the expense of the Revenue. If, however, Government had proposed to reduce the duty on foreign sugar to 30*s.*, and of colonial sugar to 20*s.*, he should have rejoiced at it, and have been glad to have given his support to such a proposition. He believed, also, he was correct in saying, that his noble Friend, the Member for London, would have also supported such a motion if it were made. And, although he was afraid in the present state of parties in the House, such a motion would have but little chance of success, he at the same time regretted that the Government had not considered it compatible with their duty to make such a proposal. He had always thought that when the Sugar Duties were to be altered, and the state of the Revenue admitted that the experiment would be tried, whether the evils which the reduction of the duty might inflict, might not be met in the increased consumption; and seeing that they had now the Income Tax to fall back upon in case of failure, he thought the experiment might safely have been tried. He wished only that he could express as strongly as he felt the consequences he anticipated from the Government proposition. He had heard with regret the observation of the right hon. Gentleman, that Government was in a manner pledged to the West-India interest. He was aware that upon this subject Government were deeply committed by their conduct when in opposition; but he had hoped when they came to the point, and the right hon. Baronet had, as Minister of the Crown, to make a proposal to the House and the country, and saw how great were the evils to be apprehended from its adoption in the hostile feeling it would raise up in a large part of the world, and the practical impediments it would impose to our commerce generally, and especially with the Brazils and the Spanish American Colonies —and, on the other hand, when he saw how incalculably small and visionary were the benefits to be expected from it in restraining the Slave Trade, and discouraging the cultivation of slave-labour sugar, as compared with free-labour sugar—he had hoped that his sense of duty, as a Minister and a public man, would have induced him to cast to the winds mere consistency as a politician; and that he should have had the pleasure of giving the right hon. Gentleman a hearty and cordial support in those great commercial reforms, which he believed to be for the advantage of the country and the world.

Mr. *P. M. Stewart* had always understood, when the West Indies escaped from the slavery agitation by the Act of Emancipation, they were to be treated as integral parts of the British empire, and their people be dealt with as citizens of the country. If there were any proof wanted of the cruelty, hardship, and impolicy of the principle of monopoly, it was to be found in the present condition of those Colonies, which should operate as a warning against the adoption of any motion of monopoly for the future. If the proposition of the noble Lord (Lord John Russell) were based on fair and equitable principles as regarded the West Indies, if it were likely to be a final settlement of the question at issue, he would not object to support it, because, in his conscience, he believed the Government measure did that which the noble Lord's measure did more decidedly, and therefore more honestly. There was much ignorance on the part of the Government in connection with this subject. That ignorance had been admitted in some degree by the right hon. the President of the Board of Trade. He thought, under these circumstances, it would be better to do that which was by no means unusual in similar cases, refer the question to the consideration of a Select Committee. He thought they were not quite aware of what they were doing, and was quite sure from what had fallen from the right hon. Gentleman the President of the Board of Trade, that they were ignorant of that with which they were working. It would sound like a dream to all the colonists, to hear, as it did, he believed,

to many hon. Gentlemen near him, when they heard the proposition of the Government. The right hon. Gentleman the Chancellor of the Exchequer had laid the foundation stone of this proposition upon that which would not stand firm under him. He said that they were induced to depart from their declaration in 1841 from the circumstances in which this country was placed as to the supply of sugar, and he stated what was not the fact, that the price of sugar now was higher than at the same period last year, and that the prospective supply of sugar was so low as to create alarm that the price would be higher. Now, the average price at the present time —that was on the 21st of May—was 36*s.* 8¾*d.*; and on the 3rd of June last year it was 36*s.* 10*d.*; so that, in fact, the price now was declining. There were speeches delivered on former occasions by the right hon. Baronet the Member for Tamworth, and the noble Lord the Secretary for the Colonies, which would answer their present proposition much more effectually than he could pretend to answer it. In the great debate upon the Sugar Duties, in May, 1841, the right hon. Baronet spoke as follows:—

"Do not believe that I vote for the resolution of my noble Friend with the intention of deviating from my present course in a future year. I will be frank and explicit with you. My deliberate opinion is, that the great experiment which has cost this country so much —the great experiment for the extinction of slavery—should be fairly and perfectly tried; and that to this effect we ought to encourage sugar, the production of free labour, by giving it the preference in the market of the United Kingdom. If our West India Colonies and our possessions in the East can supply the consumption of this country, can ensure us a supply of sugar at reasonable prices—at such prices as shall permit the accustomed use of sugar—I would continue to them, on the special and peculiar grounds which I have referred to, the preference in the home market. The price of sugar is falling; it was 56*s.* 10*d.* in July, 1840—it is now only 37*s.* 7*d.*; and you have recently given, by equalizing the duties on East India and West India rum, increased encouragement for the production of sugar in India. I confidently hope, therefore, that we may look for an adequate supply of sugar the produce of free labour."

At the present time, he repeated, the price was falling, and the supply was larger than it was in 1841. They had a prospective supply of sugar for 1844 of 218,000 tons, besides 40,000 tons in store. It was calculated that the supply of last year would leave 43,000 tons in store, and the actual quantity turned out to be 40,000 tons; he therefore, maintained that the circumstances of 1841, which induced the present Ministers to oppose the proposition of the then Government, a proposition, too, which was much more fair towards the West Indies than the present one—that these circumstances existed quite as strongly with respect to the proposition just submitted by the Government. The right hon. Gentleman the President of the Board of Trade had asked him whether, if the West Indies were properly supplied with labour, he would be content with a differential duty of 10*s.*? This was a most tantalising question. The West India proprietors had been knocking at the door of Government for the last ten years, applying for a supply of free labour. This supply had been refused to them, and now, at the eleventh hour, and not until then, when they were all but ruined, Government stepped in, and said that they should have the labour they required. Now, this was not fair treatment. Was it fair treatment to cripple a man, to reduce him by starvation, and then to throw him into the arena of competition, there to struggle with powerful competitors? But he would answer the question of the right hon. Gentleman. If the Government had at a proper time, three years ago, or five years ago, if they had supplied the West India possessions with labourers, as they now proposed to do, that would of itself have settled the differential duties. The produce of the West Indies would have been increased by the amount of free-labour introduced—that produce would have been surplus produce, and that surplus would at once have settled the prices and the question. But as to the difficulty of excluding slave while they admitted free-labour sugar, let the Committee listen to the words of the noble Lord the Member for North Lancashire, spoken in May, 1841:—

"Sir," said the noble Lord, "I listened with some surprise when the hon. and learned Member gave notice the other night of a resolution to carry into effect that which he knows to be impossible, namely, to limit the operation of the measure relating to foreign sugar, in such a way as to exclude any article which is slave-grown. . . . . Let not the hon. Gentleman go to the division with the plea, or under the idea, that he can, in Committee, separate the free-grown from the slave-grown sugar. Whether such a resolution could in point of form be moved in Committee I doubt,

and the noble Lord, the Secretary for Foreign Affairs, will tell him that neither in Committee nor elsewhere could it be carried, nor, if carried, acted upon, inasmuch as solemn treaties compel us to admit the produce of Brazil upon the some footing, and with the same advantages, as that of the most favoured country. The distinction is one he cannot maintain, and if he vote for the proposition of the Government he will be substantially giving a vote for the introduction into this country of foreign slave-grown sugar."

That was then the opinion of the noble Lord, who, in illustration of his remarks, took the case of a favoured nation, of Brazil, which might now be considered out of the market. [Lord *Stanley:* "Not just yet."] At all events, it soon would be; for the proposal of the Government, if it took effect at all, was to come into operation in November, when our Treaty with the Brazils expired. He mentioned this to relieve the noble Lord. He was no stickler for consistency where deviation was necessary; but he thought that deviation ought to be justified by the public benefit. His right hon. Friend opposite was in error when he stated that the average amount of sugar produced in the West Indies, under the slave system, was 240,000 tons. The average production of the five years preceding 1833, was 201,777 tons. The production of the third year after free-labour had been entirely established was 107,000 tons. That was the amount of production in 1841, when the House refused to make any alteration in the Sugar Duties, because it was declared that an ample supply would be obtained from our own Colonies. But what would be the effect of the measure now proposed by Her Majesty's Ministers? It was argued, that America would not send her sugars to the British market, but America had a perfect right to send them, and he did not by any means think that the right hon. Gentleman the President of the Board of Trade had made out his proposition that the market of New York was a better one for the American sugars, than Liverpool or London. His right hon. Friend opposite had expressed great sympathy for the West India proprietors, and in so doing, he had continued the lament of Mr. Huskisson, who said that no measure was adopted with regard to the West Indies which did not lead to pecuniary loss on the part of the proprietors. He (Mr. P. M. Stewart) would ask the House to look at the effect which had been produced upon the West India proprietors by the Act of Emancipation; that measure had inflicted upon them a heavy blow in a pecuniary point of view. He held in his hand returns relative to an estate in Grenada, and one, too, which suffered less from the change than any other in the island. In 1832, the expenses of its management were 6,500*l.*; in 1833, 4,600*l.*; in 1834, 5,036*l.*; giving an average of 5,405*l.* of expenses. The produce for the same period was as follows:—In 1832, 362 tons; in 1833, 380 tons; in 1834, 359 tons; giving an average of 367 tons per annum. The cost of production per ton was 14*l.* 14*s.* Now, take the three years ending 1843. Without going into particulars, the average amount of the expense of these years was 5,500*l.*; while the average quantity of produce was only 264 tons, giving an expense of 24*l.* 12*s.* per ton. This great difference was caused by the payment of high wages for a reduced and inadequate supply of labour. It was upon facts of this description that the West India proprietors grounded the hardship of their case. When the measure of Emancipation took place, a promise was made to the proprietors that they should have a supply of free-labour: but that promise had never been fulfilled. On the contrary, every possible obstruction had been thrown in their way. But it was now said, "You shall have a supply of free-labour; the promises before made to you shall be fulfilled." There was a well-known proverb, "Better late than never;" but he begged to inform the House that many of the estates in the West Indies had already been abandoned, and that, in consequence of the circumstances to which he had just adverted many persons were plunged into the deepest suffering. More estates would be, he was afraid, abandoned, and more persons would be exposed to suffer from the extraordinary step which the Government now proposed to adopt. He could inform the right hon. Gentleman, that at this time, estates were being abandoned almost daily in the West Indies, because labourers could not be obtained to secure the crops; and that if an interval of two or three years had been allowed to elapse before the proposition of this measure, an ample supply of labourers being also afforded, the proposal would have been received by the West India proprietors in a very different manner. There had been one proposition of the noble Lord, the Member for London, relative to the introduction of Hill Coolies, which had

been very much discussed, and, as he believed, rejected. Now they had Hill Coolies, and they were to have Africans and Chinamen; but he put it to anybody whether it was fair that the Government, simultaneously with the discovery that they had been in error in denying a supply of free-labour to the West India Colonies, should come down upon them with this alteration of duties, and say "go into the field of competition, and struggle against foreign-grown sugar." Such treatment was not fair—it was un-English. They did not even wait until the measure for introducing labour took proper effect. At present there were not enough labourers in the West-India Colonies to secure the crop now on the ground. If they had some warning—an interval of two or three years, to provide a supply of labour, they would be inclined to treat the measure very differently from the manner in which they were now compelled to view it. The noble Lord, the Member for the City of London, quoting an admirable opinion of Lord Shelbourne, had said, "Let us meet our rivals fairly." He, as a Colonist, would say, "Let us meet our rivals fairly, but you are throwing us into a competition for which we have neither strength nor means." It was one for which they had no strength or means, in consequence of the vicious legislation of the mother country. He maintained that the supply of colonial sugar would be greater this, than it had been for some years, and the price of the article was progressively falling. Yet in face of this, the present alteration was proposed. The right hon. Gentleman, the President of the Board of Trade, had tried to console the West-Indians, by stating that there would be only about one-half of the free-grown sugar of the world introduced into our markets, less, indeed, than that quantity. He stated that the total quantity produced was only about 90,000 tons, and that, of that quantity, only about 20,000 tons would be imported here. He, however, would remind the Committee, that in the Mauritius alone there were upwards of 40,000 tons produced, and there was nothing to prevent Java bringing her sugars into our markets. He asked the right hon. Baronet at the head of the Government seriously to reflect on the consequences of his measure to the West-India Colonies. Why were the Colonists not put upon the same footing as other British subjects? The West-India planter was, to all intents and purposs, a landed proprietor; but they debarred his productions from general use. The West-Indians laboured under many restrictions. Rum was virtually excluded from consumption in Scotland and Ireland. The duty laid on it in these countries was 9*s.* 4*d.* per gallon. In England the consumption of rum was one-third of the whole amount of spirits drunk. In Scotland it was 1-112th of the whole quantity, and in Ireland 1-600th of the whole quantity. He contended that these restrictions were not warranted by justice. Then, again, sugar and molasses were prohibited from being used in breweries and distilleries when foreign barley was admitted. He did not see why this restriction should be placed upon productions reared in British Colonies. Had the proposition of Government been anything like a fair one towards the Colonies, or beneficial to the community at large, he would, with the qualifications of the noble Lord, the Member for London, have supported, or at least not opposed it; for as it was, it would virtually let in sugar in a roundabout way, which the noble Lord proposed to admit directly. When the hon. Member for Bristol proposed his amendment, he would support it, both on the ground that it would benefit the Colonies, and minister to the comfort of the general body of the community, by lowering the prices of West-India produce. But as to the Government proposition, if they adopted it without any modification, they would very soon read the consequences of their error in the injured interests of the Colonies of this country.

Mr. *Hume* agreed with the hon. Member for Renfrewshire that the interests of the Colonies had been in a great degree sacrificed, by the supply of free-labour now offered to them not having been tendered in proper time. The public had long borne with great patience the high prices of West India productions, but now it had become quite necessary for Government to take the matter up. The way, however, in which it had been handled was not worthy of a statesman, nor that which the country and foreign nations had expected. It would give satisfaction in no quarter. If they had used one half of the money spent in vain attempts to put down the Slave Trade on the coast of Africa by force, in providing a supply of labour for the West Indies, they would have acted much wiser. He was sorry to see that all this debate had

turned upon whether slave-grown, or only free-grown sugar should be admitted. But the great question was, how the general consumer could best be benefitted? He believed that this could be well effected by reducing the Colonial duty to 15*s.*, and leaving a differential duty of 10*s.* Were such a measure carried, the increasing consumption of tea and coffee effected by a reduction of the Sugar Duties, would produce an equal revenue to that which these three sources at present supplied. The present measure, he maintained, would excite hostility towards Great Britain in various quarters, where it was most important that it should not exist. Feelings of ill-will were rapidly springing up between Britain and foreign countries on account of our intermeddling with their institutions. It was said that we wished to dragoon them into acquiescence with our demands. The Government then was about to sacrifice some of the most important branches of trade without any advantage. It was about to destroy the Brazilian trade as it had destroyed other branches of trade. At present British vessels carried out manufactures to slave sugar-growing countries, and carried their produce to continental ports, thus supporting the Slave Trade as effectually as if they brought the sugar directly into our own ports. In whatever way he looked upon the measure now proposed he foresaw its ruinous tendencies. The world would laugh at its pretended religion and morality, and give them credit for neither quality. If they did not take slave-grown sugar other countries would; and they would thus, without doing anything to put down slavery and the Slave Trade, forfeit all those advantages which they might otherwise possess. He was sorry to see a measure introduced which could not last twelve months, and on that as well as other grounds he would support the Amendment of the noble Lord.

Mr. *Thomas Baring* said, it was apprehended that if the law could be evaded, the use and consumption of free-labour sugar would only tend to encourage the evils of slavery, and he admitted that if such were to be the case, there would be strong ground for the objection with respect to making any difference between free and slave-grown sugar. Feeling this objection, he had looked anxiously to see how frauds in the entries of slave-grown sugar could be prevented, and he thought that *bona fide* protection against such frauds existed. Java, Manilla, and China, it should be recollected were distant countries, and there was no probability that Brazilian or Cuba sugar would be sent there merely for the purpose of being re-exported. There was also another check against fraud, and that was that the British Consuls at those ports from whence sugar was to be allowed to come into our markets would be bound to ascertain whether in fact it was the produce of free or of slave-labour. He did not believe that much sugar would be exported from China. In the islands in the neighbourhood of our East India possessions sugar was produced in some quantities; and this led him to hope that Calcutta and Madras would be placed on the same footing with respect to sugar as Canada in reference to flour. He did not anticipate that there would be any exportation of sugar from the United States, except in times of great scarcity, and for the simple reason that the home market there would be more profitable for Louisiana sugar than the markets of this country. The noble Lord the Member for London had expressed an apprehension that evasions of the law would take place by means of fraudulent certificates as to the origin of the sugar; but that opposition as regarded the United States was unfounded. There the duty was paid by bond, and the bond was never cancelled without proof that the goods were identical with the goods in respect of which the bond had been given. Thus was a guarantee against fraud. It was said, that even though they might succeed in preventing the entry of slave-grown sugar as free-labour sugar, still there would remain a vacuum to be supplied by our consumption, which would be filled with slave-grown sugar; and he admitted that if this country took any portion of the free-labour sugar out of the markets of other countries that it would operate as a stimulus to the production of slave-grown sugar; but then that stimulus would apply equally to all sugar whether the result of free or of slave-labour. Free-labour sugar had, however, an advantage which slave-produced sugar did not possess, and that was, that the one had access to a variety of markets—the markets of Europe, America, and England, while the markets to which the other had access were limited. The choice of markets, as they must all know,

was a great stimulus to increased production, and he could therefore see no reason why Java and Manilla should not increase their production. But it was said that Holland might change her regulations. He did not apprehend any such change; but, supposing such a change should take place, it would only prove that it would be good policy to insure the prosperity of our own Colonies by enabling them to obtain the labour which they required for increasing their production of sugar. If Holland were stimulated to increase the production of free-labour sugar in Java, in Manilla, the same principle would operate in China, in the islands in the Indian Archipelago, and in South Australia, and therefore there would be no occasion to go either to the Brazils or to Cuba for supplies of slave-grown sugar, when free-labour sugar could be obtained elsewhere, and on terms equally advantageous. He fully agreed that it was not advisable to dictate to other countries, or to interfere with their internal arrangements or institutions, nor did he think that such a course was calculated, in those countries where slavery existed, to benefit the African race. He had heard much stress laid on the advantage to this country of the markets of Brazil and Cuba, but he thought that advantage could not be compared with the advantage which we derived from our colonial markets. The exports from this country to the West Indies were 2,500,000*l.*, and to the East Indies 5,500,000*l.*, while the exports to Brazil were only 2,500,000*l.*, and to Cuba 500,000*l.* If they were to contrast the Brazils with the United States, he thought it must be admitted that they could not admit the goods of the two countries on equal terms, and for this reason, that a country where from one-half to two-thirds of the population were slaves could not possibly be as good a customer as that in which the people were free. But whilst he approved of the measure of the Government he must, at the same time, acknowledge that it was not well-timed, and that it dealt hardly with existing interests. This, however, was not the fitting occasion for discussing the matter, and therefore all he would say was, that when prices were high, stock low, and imports slow, did not appear to him the proper moment for effecting such a change as was now proposed. He thought, that such a change ought to be involved in the consideration of the reduction of the whole of the duties on colonial sugar, and that it would have been better if the subject had been deferred until it was seen whether they were to have, as at present, direct instead of indirect taxation, until the doubts respecting Siam and the United States had been cleared up. He knew that many believed too much protection had been given to the West Indies; at the same time, it was not right to deprive these Colonies of protection until they were provided with a sufficient supply of labourers. He was glad to find that the Government had not imposed any improper or vexatious regulations in reference to the immigration of labourers to the West Indies; and he did not believe that such a means of providing a sufficient supply of labour in these Colonies could ever assume the character of a Slave Trade. The circumstances of those Colonies and the Mauritius were essentially different; but all the protection which he advocated for the West Indies was, that which necessity, good faith, and the general interests of the country required. He feared, however, that before the remedy could be applied the patient would die; and that an injury had been inflicted on the West Indies which these Colonies could not overcome. The right hon. Gentleman had said it was wise on the part of the Government to observe secrecy with respect to the nature of their measures, but he feared this implied a desire on their part to listen to the representations of parties interested in the changes about to take place. It had been shown that even with the present protection many estates were worked at a loss, while others returned no profit for the capital employed in this cultivation. There was, in short, an indisposition to embark capital in the cultivation of West India estates, and the result was a diminution of the quantity of sugar produced to the extent of 20,000 tons, and which had to be obtained from other parts. He was unconnected with the West Indies, and only interested in this subject as a British merchant and an Englishman; and, he could only say, that he could not give a vote with more sincerity than the vote which he meant to give against the proposition of the noble Lord the Member for London.

Dr. *Bowring* thought the hon. Gentleman was in error with respect to the ex-

istence of a system in America which would afford protection against fraud. He believed, that the bond and credit system had been abolished in America, and that the present change would lead to every species of fraud.

Sir *J. Hanmer* wished to ask a question of the Government. He had seen it asserted, that by the laws of America, a merchant who exported sugar, the growth of Louisiana, from New Orleans to Liverpool, would be entitled to receive free of duty (which amounted to 11*s.* 6*d.* a cwt.), an equal quantity of foreign sugar; and that according to the price he would derive an advantage from importing American sugar to England. Although there might be an apparent loss of 5*s.* there would be an actual gain of 6*s.* 6*d.* the cwt. on the transaction. If that account were true, where would be the difficulty of making a similar profit by the exportation of Cuba or Brazilian sugar? He hoped some Members of the Government would be able satisfactorily to explain this, because if the statement were true, it would go to show that any endeavour on the part of the Government to discriminate between sugar the result of free and slave-labour must fall to the ground.

Mr. *Gladstone* said, it was evident that the hon. Gentleman had been absent during the early part of the debate. He had dealt with this very question in the observations which he had made, and all he would say now was, that having seen the statement referred to by the hon. Gentleman, he had caused the laws of America to be searched, and had consulted partirs well acquainted with such matters, but could find no foundation for the statement. He totally disbelieved it.

The Committee divided on the Amendment:—Ayes 128; Noes 197: Majority 69.

List of the AYES.

Acheson, Visct.	Bowes, J.
Ainsworth, P.	Bowring, Dr.
Aldam W.	Brotherton, J.
Anson, hon. Col.	Browne, hon. W.
Arundel and Surrey, Earl of	Buller, C.
	Buller, E.
Bannerman, A.	Busfeild, W.
Baring, rt. hn. F. T.	Butler, P. S.
Barnard, E. G.	Chapman, B.
Bell, J.	Clive, E. B.
Berkeley, hon. C.	Colborne, hn. W. N. R.
Berkeley, hon. Capt.	Colebrooke, Sir T. E.
Blewitt, R. J.	Collett, J.
Bouverie, hon. E.	Craig, W. G.
Currie, R.	Mitchell, T. A.
Curteis, H. B.	Morison, Gen.
Dalmeny, Lord	Muntz, G. F.
Dalrymple, Capt.	Murray, A.
Dashwood, G. H.	Napier, Sir C.
Dawson, hon. T. V.	O'Connell, M.
Denison, W. J.	Ord, W.
Denison, J. E.	Paget, Lord A.
Dennistoun, J.	Palmerston, Vist.
Duncan, G.	Parker, J.
Dundas, Admiral	Pendarves, E. W. W.
Dundas, D.	Philips, M.
Ebrington, Visct.	Phillpotts, J.
Ellice, rt. hon. E.	Plumridge, Capt.
Ellice, E.	Protheroe, E.
Ellis, W.	Rawdon, Col.
Elphinstone, H.	Rice, E. R.
Evans, W.	Russell, Lord J.
Ewart, W.	Scholefield, J.
Ferguson, Col.	Scale, Sir J. H.
Forster, M.	Seymour, Lord
Fox, C. R.	Sheil, rt. hon. R. L.
French, F.	Shelburne, Earl of
Gibson, T. M.	Smith, J. A.
Gore, hon. R.	Smith, rt. hon. R. V.
Granger, T. C.	Stansfield, W. R. C.
Grey, rt. hn. Sir. G.	Stanton, W. H.
Grosvenor, Lord R.	Staunton, Sir G. T.
Guest, Sir J.	Stuart, W. V.
Hastie, A.	Stock, Mr. Serj.
Hawes, B.	Strutt, E.
Heneage, E.	Talbot, C. R. M.
Heron, Sir R.	Tancred, H. W.
Hobhouse, rt. hn. Sir J.	Thornely, T.
Howard, hn. C. W. G.	Trelawny, J. S.
Howard, hon. J. K.	Villiers, hon. C.
Howard, hon. H.	Vivian, J. H.
Howard, Sir R.	Walker, R.
Howick, Visct.	Wall, C. B.
Hume, J.	Wallace, R.
Hutt, W.	Warburton, H.
Jervis, J.	Ward, H. G.
Labouchere, rt. hn. H.	Watson, W. H.
Langston, J. H.	Wemyss, Capt.
Lascelles, hon. W. S.	Williams, W.
Layard, Capt.	Wilshere, W.
Lemon, Sir C.	Wood, C.
Maher, N.	Wrightson, W. B.
Mangles, R. D.	Yorke, H. R.
Marjoribanks, S.	TELLERS.
Maule, rt. hon. F.	Tufnell, H.
Mitcalfe, H.	Hill, Lord M.

List of the NOES.

Acland, T. D.	Baring, rt. hon. W. B.
A'Court, Capt.	Baring, T.
Adare, Visct.	Barrington, Visct.
Adderley, C. B.	Baskerville, T. B. M.
Allix, J. P.	Blackburne, J.
Antrobus, E.	Boldero, H. G.
Arbuthnott, hon. H.	Borthwick, P.
Archall, Capt. M.	Bowles, Adm.
Arkwright, G.	Bradshawe, J.
Ashley, Lord	Bramston, T. W.
Bagge, W.	Brisco, M.
Baillie, Col.	Broadley, H.
Baird	Brownrigg, J. S.

Bruce, Lord E.
Buller, Sir J. Y.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Carnegie, hon. Capt.
Chapman, A.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, Sir. W.
Colquhoun, J. C.
Copeland, Ald.
Cripps, W.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Disraeli, B.
Douglas, Sir H.
Douglas, J. D. S.
Dowdeswell, W.
Drax, J. S. W. S. E.
Drummond, H. H.
Dugdale, W. S.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eliot, Lord
Emlyn, Visct.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, P.
Grimstone, Visct.
Hale, R. B.
Halford, Sir H.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, J.
Harris, hon. Capt.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, hon. A.
Hope, G. W.
Hornby, J.
Hughes, W. B.
Hurst, R. H.
Ingestre, Visct.
Inglis, Sir R. H.
Irving, J.
Johnstone, Sir J.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Ker, D. S.
Kirk, P.
Knatchbull, rt. hn. Sir E
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Long, W.
Lopes, Sir R.
Lowther, hon. C.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
McNeill, D.
Mahon, Visct.
Manners, Lord J.
Martin, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Murray, C. R. S.
Newdegate, C. N.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Oswald, A.
Owen, Sir J.
Packe, C. W.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J,
Pigot, Sir R.
Plumptre, J. P.
Powell, Col.
Praed, W. T.
Pusey. P.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Round, C. J.
Round, J.
Rous, hon. Capt.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Smyth, Sir H.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Trotter, J.
Vesey, hon. T.
Welby, G. E.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

Original resolution agreed to.

On the question being put on the second resolution, and in answer to Viscount Sandon,

The *Chancellor of the Exchequer* said, his right hon. Friend had already stated the reasons which, in the opinion of the Government, had rendered it inexpedient to make any distinction between clay and Muscovado sugars. The differences between Java, Manilla, and other foreign sugars, were as great as those between the different kinds of British sugar, but the duty was taken generally in the one case, and therefore should be so in the other also. If sugar however were introduced in an advanced state of refinement, it would of course become subject to an increased rate of duty.

Resolution agreed to.

Resolutions to be reported.

House resumed.

POOR LAW (IRELAND.)] Sir *J. Graham* moved to nominate the Select Committee on Union Workhouses in Ireland.

Sir *R. Ferguson* wished to know what was the object of this Committee. The tenth Report of the Poor Law Commissioners had been distributed only before the Whitsun holydays, and the references it made to Ireland certainly required the careful notice of the House. It appeared from that Report, that it was almost utterly impossible for the Poor Law Commissioners to work the Poor Law in Ireland. Their whole statements not only proved that they had failed in their efforts, but that it was impossible they could enforce it. They had a Committee

already sitting on the valuations, and what was to be the special matter of reference to this new Committee? With respect to the collection of the rates and the rating of small tenements, the Commissioners had exceeded the intention of the Legislature. They had relieved all the small holders of their arrears in some of the Unions, and that would place those Boards which had insisted on exacting the whole amount in a very awkward position. He repeated his wish to know what this Committee was to inquire into before he could consent to its appointment.

Sir *J. Graham* said, it was not the Report of the Poor Law Commissioners, but that of Mr. Pennithorne, which was to be submitted to this Committee. Great complaints were made last Session as to the expenditure of the public money in the erection of Union Workhouses, and the Government had sent over an architect to Ireland to inquire into the complaints made, and report on the structure of the buildings in question. That Report was Mr. Pennithorne's Report, which was to be submitted to the Committee. The Government had thought it right before coming to any resolution on the subject to have an inquiry by a Committee of that House.

Mr. *F. French* thought that nothing could be more unfair to the Irish public than the administration of the law by the present Board of Commissioners. He should not oppose any investigation that gave publicity to the odious and inoperative system they had adopted, though the Committee would be of comparatively little use, unless the sphere of its inquiries was extended.

Committee nominated.

House adjourned at a quarter to twelve o'clock.

HOUSE OF LORDS,

Tuesday, June 4, 1844.

MINUTES.] BILLS. *Public.*—1ª. Slave Trade Treaties.

3ª. and passed:—Courts Martial (East Indies); Stamp Duties.

Private.—1ª. Pulteny Town Harbour and Improvement; Southampton Marsh Improvment; Rother Levels Drainage; Passingham's Estate.

2ª. W. H. B. Jordan Wilson's Estate; Sidmouth and Collumpton Road.

3ª. and passed:—Manchester, Bury, and Rossendale Railway; Salford Improvement; Birkinhead Improvement; Coventry Water Works; York and Scarborough Railway.

PETITIONS PRESENTED. From Alresford, and several other places, for Protection to Agriculture.—By Lord Lorton, and Earl of Roden, from Derrymore, and 3 other places, against the Dissenters Chapels Bill.—By Earl of Bandon, from Macroon, and 4 other places, for the Extension of Scriptural Education in Ireland.—From Wood Sawyers of Belfast, complaining of Distress, and praying for Relief. — By Earl of Roden, from Rathfriland, and 3 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.

TRANSFER OF PROPERTY BILL.] Lord *Campbell* said, as their Lordships did not seem to be much overburthened with business, he would take the opportunity of putting a question to his noble and learned Friend on the Woolsack, with reference to the Bill for the Transfer of freehold property. The noble and learned Lord introduced a Bill on the subject in the early part of the Session, which was certainly a step in the right direction, but for which he (Lord Campbell) would have introduced his Bill on the subject again; but as no further progress had been made with it, he should like to know what the noble and learned Lord's intentions on the subject were. It was a subject of considerable importance; for one of the great defects of our law was the expense of the conveyance of freehold property. So enormous was that expense, that the cost of the conveyance of a small freehold was greater than the price of the fee simple. To remedy this evil, it was important that some measure should be adopted without delay; he should, therefore, be glad to know if the noble and learned Lord meant to resuscitate his Bill or not.

The *Lord Chancellor* said that he was very glad he had given his noble Friend an opportunity of amusing their Lordships. The measure which he had alluded to was certainly one of great importance, but it was of a very complicated nature, and he (the Lord Chancellor) felt it to be his duty after having laid the Bill on their Lordships' Table, to circulate copies of it amongst some of the most eminent conveyancers in the metropolis, many of whom had returned answers, but there were still six or seven of them who had not done so. If his noble and learned Friend had condescended to have given him notice of his Motion, he would have communicated with those gentlemen who had not yet returned their answers. It was certainly his intention, when he had obtained the opinions of these gentlemen, to proceed with the Bill. It was suggested to him by a noble Friend near him, that the delay in obtaining the answers of the gentlemen to whom he had alluded, might be occasioned by no fee having been

put on the Bills sent to them. He was obliged to admit that no fee was marked upon them.

Lord *Campbell* said, that the opinion of a lawyer without a fee was not good for anything.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 4, 1844.

MINUTES.] NEW WRIT.—For Enniskillen, *v.* the Hon. Arthur Cole, acc. Chiltern Hundreds.

BILLS. *Public.*—1°. Sugar Duties.

Private.—2°. Rigby's Estate; Holmfirth and Dunford Roads; Campbell's Estate.

3°. and passed:—Pulteny Town Harbour and Improvement; Southampton Marsh Improvement; Rother Levels Drainage.

PETITIONS PRESENTED. By Mr. Watson, from H. Pearson, Esq. for Enfranchisement of Church Leaseholds.—By many hon. Members (271 Petitions), against Dissenters Chapels Bill, and 45 against same.—By Mr. Watson, from Newcastle, against Ecclesiastical Courts Bill.—By Viscount Acheson (22), and by Mr. Fox Maule (12), for Legalizing Presbyterian Marriages (Ireland).—By Mr. Watson, from R. Dunderdale, and others, against Roman Catholic Clergy Conveyance Bill.—By Mr. Hurst, from Rural Deanery of Horsham, against Union of Sees of St. Asaph and Bangor.—By Lord Harry Vane, from Coal Owners (4), for Repeal of Export Duty on Coals.—By Mr. Barneby (28), from Worcestershire, by Mr. Buck (17), from Devon, by Mr. Maunsell (30), from Northamptonshire, and by Colonel Rolleston (105), from Notts, against Repeal of the Corn Laws.—By Mr. S. O'Brien, from D. J. Wilson, for Reduction of Glass Duty.—By Mr. Henley, from Oxon, for Repeal of Stamp Duty on Hailstorm Insurances.—By Mr. Fox Maule, from Wood Sawyers of Perth, for Tax upon Steam Saw Mills.—By Colonel Wood, from St. Michael, Cwndû, against Commons Inclosure Bill.—By Sir Thomas Wilde, from Sheriffs Officers, for Compensation (County Courts Bill).—By Colonel Paget, from Llangefni, in favour of County Courts Bill.—By Mr. Kemble, from W. Warde, for Abolition of Fees on Acquittal.—By Mr. Hume, from Forfar, against Privileged Trades (Scotland).—By several hon. Members (5), respecting Poor Law Amendment.—By Mr. Fox Maule, from Dumfries, for Alteration of Parishes (Scotland) Bill.—By Mr. Hume, from J. Birch, respecting Public Offices, and Joint Stock Companies.—By Mr. Lock, from Wick, against Savings' Banks Bill.—By Visct. Acheson, from Newtown Hamilton, for Extension of Small Debts Bill (Ireland).—By Mr. T. Duncombe, from National Charter Association, for Inquiry into State Trial (Ireland).—By Mr. T. Duncombe, from Ashton-under-Lyne, and Warwick, for better Regulation of Tailors' Trade.

ISLAND OF GUERNSEY.] Mr. *T. Duncombe* begged to repeat a question which he had put yesterday in the absence of the Home Secretary, as to the correctness of a statement which appeared in the newspapers, that 600 troops and a considerable quantity of military stores had been sent to the island of Guernsey. If the facts were as stated, he should like to know whether this addition to the force already in the island was ordered by the Government in the apprehension of any disturbance? From what he had heard on the subject, he was led to believe that the Government had been hoaxed on this occasion, but that at all events they were mistaken as to the information on which they had acted.

Sir *J. Graham* said, that information had been received by Government from the Governor of Guernsey, on whose zeal and discretion the utmost reliance might be placed, which induced them to send troops to reinforce those in the island. It was known that great excitement existed in the island, arising from local causes, and these were undergoing an investigation; but whatever these local causes might have been, he had the best reason for believing that the utmost reliance might be placed on the loyalty and attachment of the great majority of the inhabitants of the island.

Mr. *T. Duncombe* would ask the right hon. Baronet the Home Secretary, whether he had any objection to the Motion of which he (Mr. T. Duncombe) had given notice yesterday, for a copy of the judgment and commitment in the case of "the Queen *v.* O'Connell and others?"

Sir *J. Graham* hoped the hon. Member would not press the Motion then; the copy was preparing with the utmost despatch.

COMMERCIAL RELATIONS WITH PRUSSIA.] Lord *J. Russell* said, he had a Motion on the Paper, "for a copy of a despatch from the Earl of Aberdeen to the Earl of Westmoreland, with respect to commercial relations between this country and Prussia, with any answer to such despatch from the Court of Prussia." If there should be no objection to the production of this document he would move for it at once, without troubling the House with any remarks on it. He supposed there would be no objection, as the document first referred to had already found its way into the public papers.

Mr. *Gladstone* said, that in the present state of the correspondence he could not accede to the noble Lord's Motion. He could not say exactly that the correspondence was actually going on at the present moment—neither could he assert that it was concluded; but it would be necessary to wait in order to see the result of a letter which had been written by Baron Bulow. As to the letter of Lord Aberdeen first referred to having found its way to the papers, he could say nothing, as he had no knowledge of how it had been obtained; but he had no ground for thinking that it had been

published by the Prussian Government. Whether the copy published was a perfectly correct copy or not he could not say, as it had to undergo a double process, being translated in the first instance into German from the English, and afterwards done back into English from the German.

Lord *J. Russell* said, that if there was a correspondence still going on on the subject he would not, of course, press his Motion; but if the correspondence had been brought to a close, he saw no good ground for resisting it.

Mr. *Gladstone* felt it now necessary to state in a few words the grounds on which he would be justified in resisting the noble Lord's Motion, if he were to then press it. After the correspondence had come—he would not say to a close—but after communications had passed between the British and the Prussian Governments, in a tone which was calculated to bring about desirable results, another communication had been made by Baron Bulow on the part of the Prussian Government, which was drawn up in a tone and spirit different from those which had preceded it, and tending to different results. He would not say that its tone was a hostile one, but it took an argumentative style which showed that a strong difference of opinion existed on some points, particularly on that relating to the importation of iron. Finding this difference of opinion so strong, Her Majesty's Government thought it right to suspend the correspondence for a time in order to wait and see what might be the result of Baron Bulow's note. Under those circumstances, he felt justified in opposing the noble Lord's Motion; but he had no difficulty in pledging the Government to the production of the documents when ripe for the inspection of the House.

Lord *J. Russell,* under circumstances, would postpone his Motion for a fortnight.

Motion postponed.

Coal Duties.] Lord *H. Vane:* In rising, in pursuance of the notice which I have given of bringing the consideration of the Export Duty on Coal before the House, I must beg permission of the House, previous to entering upon the different considerations of the subject, to offer a few prefatory remarks, explanatory of the reasons which induce me this day to submit this matter to the House. Nothing, I need not say, could be more remote from my thoughts, than any presumptuous wish to take the conduct of this matter out of the hands of my noble Friend, who on two occasions—in 1842, when the Government proposed the Measure of an Export Duty on Coal, as part of a series of fiscal measures, to fill up a deficit then existing in the finances of the country; and in 1833, when, after a year's disastrous experience of the operation of the impost, and apprehension of the detrimental effects of the impost which my noble Friend saw in prospect — submitted the matter to the House in a form to bring about the repeal of the Duty. I am anxious, therefore, Sir, to remove the notion that the noble Lord has, in any one respect, either with regard to the operation of the tax, now tested by two years' experience, on the Coal Trade; or with regard to its efficacy as a fiscal measure, or with regard to the necessity, in view of the financial state of the country, of abstaining from its repeal, seen reason to change his opinions; in each and all of these respects the opinions of my noble Friend remain unchanged with respect to circumstances, and unaltered with regard to future views; and if my noble Friend, having twice brought this question immediately before the House, thinks it more advisable and becoming in him not to moot it for the third time, I may, at any rate, count upon his efficient and valuable aid this night. I do feel, Sir, that it is also incumbent on me to justify myself from a charge which might be imputed to me, of bringing forward this question, for the third time, in the face of two adverse opinions of the House, wherein the question has been decided by large majorities against the part which I now advocate, and, indeed, Sir, I do feel that the question ought to stand in a somewhat different situation, and ought to be presented in a somewhat different aspect, to justify me now for submitting a similar proposition to those before submitted by my noble Friend. But I do contend that I do bring it forward under different auspices, and that those who, viewing it as a complement of fiscal measures, to fill up a then admitted and anticipative deficit in the Revenue, now that we have an overflowing Exchequer, and a promised surplus for next year —the financial necessity no longer existing —would be perfectly justified in supporting me to-night, should I be able to prove (and the abundance of the matter is such that it will be my fault if I do not) the

injurious operation of the duty on the Coal Trade, and the entire failure of the tax as a mere question of Revenue. Had the right hon. Gentleman, the Chancellor of the Exchequer, argued that he must adhere, as to an inflexible rule, to introduce no alteration in his Financial Measures this year—that in the interval from this to next year, pressed by innumerable demands for the removal or relaxation of duties, until the question of the continuance of the Income Tax was finally settled he must sternly adhere to his rule—then the ground would have been cut from beneath me, and I should have felt a difficulty in submitting this proposition. But has this been the conduct pursued by the right hon. Gentleman? He has proposed certain reductions of duty; it may be that the reduction of the duty on foreign coffee may increase, in its eventual effect, the Revenue—I think the reductions judicious; but from wool the right hon. Gentleman has taken off the duty, thereby occasioning, in its first and direct effect to the Revenue, a loss of 90,000*l.* But if the rule be not adhered to in one instance, and if similar reasons for departing from the rule be adduced, I do contend that I am justified in calling upon the House, on like considerations, to mete out the same measure of justice, or at least considerate regard, for the Coal Interest. The right hon. Gentleman may, no doubt, argue, that those interests have a higher claim for the relaxation of duties than the foreign Coal Trade; but at any rate the right hon. Gentleman mentioned, in bringing forward his Budget, that this Export Duty was an experiment: and the very circumstance of its being an experiment affords (inasmuch as the experiment has been proved in practice prejudicial) an argument for its non-continuance. A new tax is always more injurious than an old one, *cæteris paribus:* it is, no doubt, at all times advantageous to take off taxes which press upon the springs of industry: but matters accommodate themselves more or less well, no doubt, to old taxes, and infinitely more injury is inflicted and more derangement occasioned by a new tax, than by the continuance of an old one. Now, inasmuch as the great trade in coals for export arose from the removal of the duty in 1834, the tax imposed in 1842 has operated as a novel tax; hence, in this point of view, the claim of the Coal Interest for the removal of this tax is infinitely stronger than that of other interests who have been longer subject to a duty. But I will now proceed, Sir, to consider more especially the injurious operation of the Export Duty, upon which, in the main, I lay my stress for calling upon the House for its removal; and I shall read a letter which was sent to me upon the subject of the Export Duty on Coal.

"*Hardwicke, June* 1, 1844.

"My Lord: I am favoured with your Lordship's letter of 30th ult. A petition has been sent from the coal-owners of this district, to be presented on Tuesday next. It has been got up by the Coal Trade Company, and will probably be forwarded to the Newcastle or south Northumberland members.

"The effect of the Export Duty, as far as the northern countries of Europe are concerned, has been to induce them to import small and nut coal, where they formerly took large coals unscreened. There is no material alteration in the quantity sent to these countries, or if there is, it is due to other causes, as they must take their coals from us; but the discriminating duty of 1*s.* a ton between large and small coals, when the difference in price of these coals is, perhaps, not more than 2*s.* to 3*s.* a ton, is regarded as very oppressive; and hence the trial of small coals instead of large. This change has been felt most on the Tyne, where the collieries chiefly produce a low priced manufacturing coal, which, formerly, was extensively exported. In France the export has been most materially reduced. The Government of that country, immediately on the imposition of these duties, indicated their preference for the Belgian coals. In several of their marine coal contracts, which had formerly been confined to England, the Belgian coal was substituted, even on less favourable terms. The inclosed letter from M. Abbadie, of Charente, to our agent, will corroborate this. This highly respectable merchant had long been a customer of ours, and at the latter part of last year, had written to say that he might require 2,500 or 2,600 Newcastle chaldrons (6,500 tons) during the present year. But the alteration of the Government contracts induced him, as you will see, to withdraw all his orders, and this year we have only sent him about 100 chaldrons. This impolitic duty seems, indeed, to have awakened the French Government to the situation of their steam navy in case of any dispute with the English, and there is no doubt that they will now persevere in the opening out of their own mines, until they place themselves beyond the necessity of importing foreign coals, at least for their steamers. At the time the duty was imposed, I was negotiating with parties in Paris to supply that city with the best householders' coals, which we send to the London market, (the Hartlepool Walls-end). Our price for this coal at Hartlepool was to have been 9*s.* a ton on board of ship; and at this price, it was the opinion of the French party (MM. Ganneran and Co., bankers, Gullardet, Courtin du

roi, and Leroi Poitevin), that they could supply all the English families, at least in Paris, with English coals, at such a price as would induce wealthy parties to give the preference to them over either wood or Belgian coals. The plan was to import them to Rouen, and thence by railway to Paris, to avoid the difficult navigation of the Seine. But on the imposition of a duty of 5*s.* 8*d.* a chaldron, the project was abandoned, as the 2*s.* a ton swept away the whole margin of profit upon which their calculations were framed."

"In America, the operation of the duty is nearly similar to that in France. It is increasing the workings of their own lines, aided as they are by their own heavy Tariff duty. I am an owner of coal mines in Virginia, and I find by a report received from there a few days ago, that the workings are rapidly increasing. In 1842, we only raised 8,715 tons; in 1843, we worked 18,566 tons—and the estimate for the current year is 30,000 tons. These instances of the evil effects of this foolish impost are confined to my own experience. Almost every coal-owner in the north could, I dare say, furnish parallel cases.

"There seems to be a very mistaken notion in the minds of some of the advocates of the duty, that coal is a raw produce, and of limited quantity. Nothing can be more fallacious than both these suppositions. Coal in the mine does not sell on the average for 4*d.* per ton. At the port where it is shipped, the selling price may average 7*s.* a ton; the whole of this difference (1,400 per cent.) is labour, capital, profit, and all English. If we pursue it to the place where it is delivered, we shall find that by English capital and labour alone, that article which in its native state was worth only 6*d.*, has become worth 20*s.*, 25*s.*, or upwards; and from the bulk of the article being so just in proportion to its value, it employs nearly ten times as much shipping to transport it as any other article of like value.

"The fear of exhausting our mines is, simply, ridiculous. Increase the present price of coals 5*s.* a ton, and you will add 500 years' coal to that which could be profitably worked at present prices. In the coal districts of the north, which are said to be worked out, it is only meant that the remaining coal could not be worked at present prices; not that there is no coal left. Wales alone has a coal-field to supply our present consumption for 1,000 years, without requiring the prices to be more than double the present price. It is a question of price merely.

"I fear I have entered more fully into this question than there was occasion for, and I have not time now to say any thing as to the pitmen's case. By the next post I will trouble your Lordship with a few remarks on it; and in the meantime I send a pamphlet, which may probably not have come under your Lordship's notice.—I have the honour to be, my Lord, your Lordship's obedient servant.

"Lord H. Vane, M.P, &c." "M. F. Wood."

I will abstain, as far as I can, from the repetition of those theoretical arguments heretofore adduced, except in so far as I conceive this to be necessary to illustrate the injurious working of the duty with reference to the Coal-trade, and the different interests connected with it. I fear that I shall be obliged to weary the House with some reference to figures, but I will spare the House as much calculation as I am able, as a very few figures will suffice to prove the predictions of those who foretold that the duty would have the effect of checking the export, at the time of the imposition of the duty augmenting in progressive increase, and Her Majesty's Government must be driven by the Returns at last produced from the less lofty position that they took last year, that they did not mean that the increase would not be checked, but that, at any rate, there would be no diminution of the actual amount of exports; whereas the Return exhibits the exports of 1842 and 1843, as I shall read for the House. But then it is maintained that, between the 11th of March, 1842, and the month of July, when the duty would come into operation, advantage was taken of the interval to press a greater proportionate export, with a view to the coming duty, and hence the export in the last two quarters of 1842 and the first of 1843 was by so much diminished. But if the export continue at an increasing or the same amount, the three later quarters of 1843 would have exhibited an immensely increased export with relation to the three former quarters. Now, let us look at the whole year; and what is the result? Is it possible to prevent the conviction penetrating the mind of every one that the trade, through this impost, so far from being in a progressive state of development, has become a declining trade, so far at least that 1843 exhibits, for the first time since the removal by the late Lord Sydenham of the Import Duty in 1834, a decrease—the increase having been gradual to 1843. No dexterity in grouping figures, no ingenuity of argument, no artifice of casuistry can satisfactorily explain away this plain statement of official figures:—

OVER SEA DUTIES ON COAL.

Effect on the aggregate Export:—

1828	228,618 tons
1834	452,406
	203,788 tons

Increase for seven years, 24,872 tons per annum during the period while the duty was levied.

1834 .. .. 432,406 tons
1841 1,500,701

1,068,295 tons

Increase for eight years, 133,274 tons per annum during the period when no duty was levied on English vessels.

1841 .. .. 1,500,701 tons
1843 1,547,297

46,596 tons

Increase for two years, 23,298 tons per annum during the period while the duty was levied again. And considering the rapid increase of steam navigation during the last two years, there ought to have been, besides the regular increase of the period while the duty was not levied, viz., from 1834 to 1842, a much greater increase of Export, instead of only 23,298 tons, as shown above (see returns, p. 2, 10th May, 1844).

Effect on the Export to different countries:—
Russia, 1841 .. .. .. 75,595 tons
1843 114,605

39,010 tons

Increase, owing to the non-payment of the duty in 1843, Russia being now in reciprocity, and paying only the same duty as English vessels; while previously, Coal Exported in Rusian vessels was subject to a duty of 4*s.* per ton. This exhibits the effect between a duty of 2*s.* on round, and 1*s.* on small coals, and 4*s.* on all descriptions.

Norway, 1841 .. .. .. 15,207 tons
1843 18,233

3,026 tons

increase. This is owing to the establishment of extensive iron works at Laurvig by Mr. Treschow, of Copenhagen. Ten cargoes of 300 tons each, exported by one broker at Newcastle, to these newly erected works.

Denmark, 1841 .. .. 148,724 tons
1843 134,529

14,195 tons

decrease, owing to the effect of the duty. Suhr and Son are the great importers to Denmark, and extracts of letters from them could be furnished to show the effect of the duty on their sales.

Prussia, 1841 .. .. .. 115,501 tons
1843 147,360

31,859 tons

increase. This increase is owing to the establishment of numerous manufactories in Prussia, to the quantity of coals used for making coke for the Prussian railways, and to the establishment of Gas Works. There has been a decrease of round (the effect of the duty) of 42,136 tons, and an increase of small of 73,095 tons, showing the effect of a difference of duty of 1*s.* per ton.

Germany, 1841 .. .. 169,695 tons
1843 147,127

22,568 tons

decrease, owing to the importation of foreign coal into Germany, and to the increase from German Coal Mines of Silesia and elsewhere since the imposition of the duty.

Holland, 1841 .. .. .. 171,242 tons
1843 149,816

21,426 tons

decrease. While there was no duty the export to Holland regularly increased: 1834, 94,447 tons; 1841, 171,242 tons (see 12 Ap. 1842, p. 10)—while now the Belgian and German (Huhr. coal) coal successfully compete with the English, and the export has diminished.

France, 1834 .. .. .. 59,690 tons
1841 451,003

391,313 tons

increase for eight years, 48,914 tons annually, while no duty was imposed.

1828 .. .. 35,410 tons
1834 50,690

14,280 tons

for seven years; 2,040 tons increase only; and

1841 .. .. 451,003 tons
1843 458,594

7,591 tons

for three years; 2,530 tons increase only; as in a former period, while duty was imposed. France was particularly alluded to as being supplied with Belgian coal, to the exclusion of the English, when the duty was imposed. The above result shows the effect in the most clear point of view, and, considering the vast increase of steam-boats in France, shows that if the duty had not been imposed, the increase, instead of the paltry amount of 2,500 tons, would have been 50,000 or 60,000 tons annually.

Spain 1841 .. . . 34,786 tons
1843 46,831

12,045 tons

increase. This is owing to the establishment by English Companies of extensive lead mining operations in Murcia, and to the English and French steam-boats and Spanish boats obtaining coals at Cadiz, Malaga, Alicant, and Barcelona.

Italy, 1841 .. .. 38,887 tons
1843 43,939

5,052 tons

increase. Also owing to the use of steam boats recently established in different parts of Italy, and the increase would have been much larger; a great quantity of French coal from Marseilles, &c. being used, and by the use of coal as back

freights, the French obtain great advantages over the English in the Italian ports.

Malta,	1841	50,131 tons
	1843	37,935
		12,196 tons

decrease. The effect of the coal mines of Calais in France upon this place and the Mediterranean was pointed out when the duty was imposed. The above fact shows that the fear of competition from this quarter was well founded.

Turkey,	1841	48,059 tons
	1843	41,335
		6,724 tons

decrease. The effect of the coal mines of Heraclia, in the Black Sea, was also pointed out, and they appear to have already produced the anticipated effect (see Epitome of Arguments.)

Egypt,	1841	21,122 tons
	1843	10,977
		10,145 tons

decrease. Effect of competition with foreign coal mines. (See ditto.)

East Indies and China,	1841	63,698 tons
	1843	29,961
		33,737 tons

decrease. This may be owing to the impulse given to the export by the China war, and the diminution now that the war is over.

British North American Colonies and the West Indies, increase from ..	1841	148,182 tons
	1843	168,845
		20,663 tons

increase, owing to the establishment of the West Indian and American lines of steam packets, the coals for which must be procured; but the increase is far short of that which ought to have accrued to this country, had all the coals been supplied from Great Britain.

United States,	1841	52,207 tons
	1843	34,866
		18,341 tons

decrease, owing to the imposition of a duty on the importation of English coal into the United States, by which, together with the British duty, the export of coals from this country is nearly prohibited.

Mexico and Brazil,	1841 ..	14,166 tons
	1843 ..	24,941
		10,775 tons

increase, owing to the establishment of lines of steam packets. The greatest effect, it will be seen, arises from the competition with the Belgian and French coal, but particularly the former, where the amount of duty, from the shortness of the voyage, bears the greatest ratio to the selling price of the coals at the port of delivery. The effect of the duty cannot be better illustrated than by the comparative effect of the export of coals paying 2*s.* and the coals paying 1*s.* per ton duty.

1842	Oct. and Jan. quarters	147,479 tons
1843	"	240,428
		92,949 tons

increase in small coals, while the export of round has generally been diminished. The returns of small and round in the years 1841, 1842, and 1843, do not give the comparison; as (see return 10th May, 1844), no account of small, was kept until the quarter ending October, 1842.

I am now arguing on the supposition that you do not wish to check the export. The right hon. Baronet, both last year and this year, on the Budget, contrary to the argument which he had previously advanced in 1842, admitted that apart from financial considerations, this duty upon coal was not to be defended. The question of fact, that the export has been checked by the duty, has been resolved affirmatively; it is no longer matter of doubt, or controversy, or cavil. But how is this check effected? By the ruinous operation of the duty on the trade, and on the shipping interest frequenting the southern ports. It must be borne in mind, that great capital has been laid out in the opening of mines, and in increasing the facilities for promoting the export trade, on anticipations of increase, and not alone from calculations founded on the state of the trade, as it then was, but as it was likely to become, when the force of our example should induce the formation of railroads over the whole surface of the European Continent. The use of gaslighting has made rapid progress in Germany, and but a very few years have elapsed since Paris has been partially lit with gas. Now, those who undertook to open mines at great cost, and make these great outlays of capital, had this comprehensive market in prospect. If, therefore, there was no decrease of sale to foreign ports of coal in 1843, as compared with 1842, still the circumstance of non-increase would prove the evil working of the duty, regard being had to the increased want on the Continent of coal. Let me remind the House that the railroad from Rouen to Paris, was opened in May, 1843, and is entirely worked by English contracts for coal. The coal-field in the south of France, as far as it has yet been worked, is not sufficient to supply the increasing demands for steam navigation in the Mediterranean, as well as the railroads formed and projected. A new railroad has

been of late completed, as far as the rails are laid down, from Montpelier to Nismes, and will be soon in operation. Why do I quote this? To prove the increasing demand immediately for coal in France; and when we consider the immense lines of communication which are about to be constructed in France, the demand for English coals, and, moreover, the small coal, of which little use is made here, seems almost infinite. Should we not rather, then, retain this trade, by throwing no fiscal impediments in the way of its unrestricted development, than incur the risk of driving the French into foreign markets, or whetting their industry to work their own coals, when they might derive their supplies from hence with more advantage to themselves and to us? and indeed, Sir, as English capitalists furnish money for the construction of French railways, so would English capitalists furnish the means of working foreign mines. But I may be told that Sweden, previous to the imposition of the Export Duty, levied an Import Duty, and that, standing in need of British coal, she has taken off that duty, and that the British Exchequer derives the benefit which otherwise the Swedish Treasury would have received; but I find that, notwithstanding this, the export to Sweden has diminished in 1843, as compared with 1842, by nearly one-third, so that the export trade cannot bear the present duty, although the Import Duty in Sweden has been taken off. But would even this particular instance be an answer to the general impolicy of the duty, provided that that duty check the trade to France, to Holland, to Germany, and those countries which take the most coal? Sweden is a poor country, whose natural resources are extremely limited. Access by sea is closed nearly six months in the year. Timber, in which the country abounds, is of slow growth, from the rigour of the climate, and the ungrateful nature of the soil; and except in Scania the cultivation does not admit of great improvement. Far be it from me to underrate the trade of this country; but still, from the nature of things, it must be of limited extent, and for the extension of our coal exports we must look to the more promising markets of the south. If we had the entire monopoly of coal, if dependence were mutual, then, indeed, there would be a sufficient reason for an Export Duty; but this notion has been over and over again combated. The very circumstance of active competition between the Belgian and English coals refutes it, and this without regard being had to the mines in France, half explored and half worked, and leaving out of the question the anthracite mines in France, of which species of coal I am informed great use is now made in America. There is the Russian demand of rising importance—there is the prolongation of the line now in operation from Petersburgh to Tzarskoselo, which is in the course of rapid construction, extending to Moscow. Here is a market where there is active competition between Belgian and English coal. The Russians have no coal sufficiently contiguous for the service of that railway, although in the more eastern parts of Russia there is a most extensive ridge of coal-field. Here, therefore, is a market of the utmost importance to gain. English coal can be served at cheaper rates than Prussian Silesian coal as far as Berlin; but here too the competition is near, and the railroad from Hamburgh is served by British coal; it can, perhaps, hardly be expected that the railroads in the other parts of Germany, in the proximity of coal-fields, should be served by other than that coal. There is another mode in which this duty has proved of great injury. I am not about to urge this argument invidiously. I know that all taxation is an evil, but that its necessity justifies it—the national credit, the preservation of the peace and order of society, and national defence; but, nevertheless, I think it may be shown that this peculiar tax has, in the respect to which I am going to allude, special objections. I mean, that certain pits are obliged to cease to work one day in the week, in consequence of the operation of the duty. The right hon. Baronet, in the case of factory labour, called upon the House not to impose a restriction of the hours, which would be tantamount, as far as cessation from work, to the establishment of another Sabbatical institution. But here is a duty which produces a like effect in certain mines—I do not mean that this applies generally, but in the pits where the operation of the duty requires the pits to be laid in (the technical expression) that which the right hon. Baronet deprecated with regard to factory labour is occasioned, and colliers being paid by piece-work, in such proportion that a hard working man, a hewer, may earn 3*s*. 8*d*. per diem, the loss of one day to his week's wages creates considerable diminution in the amount of wages. But I shall be told, in relation to the remuneration of other labourers, that even this de-

duction made, the aggregate weekly amount is still considerable. But the habits of this class are not those of domestic economy; they are careless and thoughtless; they are not wont to eke out their earnings to purchase the largest amount of necessaries and comforts; you cannot change their improvidence; discontent is immediately engendered if they have not the same large means—large, relatively speaking; and this discontent operates in conjunction with other supposed complaints, to produce strikes, and all the evils incident upon them to the workmen themselves, the coal-trade generally, and the different interests more or less connected and made up with the coal-trade. There is, moreover, a much larger proportion of small coal, which requires very little labour, exported since the imposition of the duty than previously when the export was free, on account of the advantage of the discriminating duty. The larger coal or round coal is the labour coal, and the quantity exported of this, which furnished labour to colliers, has much diminished, and the export of small coal has been substituted; but had no duty on export existed, the larger or labour coal would have been exported in an increased ratio in addition to the small coal, which affords very little labour, although a small profit to the coal-owner. I am come, Sir, to the consideration of the effect of this tax upon an interest of general concernment. I am sure that the hon. Members for the northern sea-ports will bear me out in affirming the correctness of my assertion, that it has been most disastrously felt by that interest; but the right hon. Gentleman will say, how can the effect be multiplied? Now, we never have pretended that the evil inflicted was only commensurate with the scanty revenue received—we maintain that it checks the Export Trade—that this checks employment—that less shipping is employed in the Export Trade, because less coal is exported: that, consequently, all those persons seeking, and who would derive employment from the increasing export, are thrown out of employ, or receive reduced employ. In periods of difficulty, even without profit to keep matters straight—to keep their people in work—to preserve the trade—works are continued without a gain—greater quantities of coal would in such cases be exported than the market naturally demanded. There would be this incidental advantage, that it would open our markets, and when a footing was once obtained, engagements, correspondents established, the first and great step being gained, such would continue, and new openings would be made, and new undertakings engaged in. I admit, that these are problematic advantages, easily lost, and perhaps factitiously acquired, but they are the advantages of a great trading and exporting country. Such advantages, as far as the export of coal can contribute, paying an outward freight, and thereby enabling an inward freight or commerce and exchange, to take place with less of gain and profit from these sources. And now, Sir, when the great staple trades of the country are reviving; when to assist that revival in the woollen trade which has already taken place, as may be proved by the comparison of the return of 5th of January, 1844, with the 5th January, 1843, the Government has taken off altogether the duty on wool, foregoing the revenue of scanty amount in consideration of the benefits to be derived by the trade; would it not be politic to forego, in like manner, the paltry pittance received from the Export Duty, not to assist, as in the woollen trade, a trade which has revived, but to prevent another trade from perishing, which has a material bearing on the prosperity of the country, in which the amount of workman's wages is 30,000*l.* per week. It has been from all times considered a great national object to encourage a nursery for our seamen; the commercial and imperial greatness of this country is so dependent upon a powerful mercantile navy, that I need not enlarge upon this topic. You are not called upon to give artificial bounties, but to remove restrictions which diminish the number of our vessels and the employment of our seamen. With a fair field and no favour, I have a perfect confidence in the hardy tars of this United Empire. Notwithstanding the jealousies of rival nations, the covert efforts of foreign statesmen, or the suggestions of royal pamphleteers, let us but be true to ourselves, let us protect our shipping interest, and not endeavour to raise a paltry revenue at the expense of a service which it ought to be our darling object to foster, and I for one stand in no fear for the result. If I have proved that the coal-trade is suffering depression, not arising from that general depression prevalent for some years, because it has not revived with the revival of other interests; if I have proved the injury accruing to the shipping interest; if I have proved that the financial

necessity, which was alone the justification of the duty, no longer exists; if the House is penetrated with the conviction, that these points are proved, I then call upon the House to adopt the same policy which Her Majesty's Ministers have adopted with respect to wool, and I respectfully invite them to accede to my Motion. The noble Lord then concluded by moving, that this House will resolve itself into a Committee of the whole House, to take into consideration so much of the Act 5 and 6 Vict. cap. 47, as relates to an Export Duty on Coal, with a view to its immediate repeal.

The *Chancellor of the Exchequer* said, that whatever difference of opinion might exist as to the Motion of the noble Lord, the House would agree with him in thinking, that the noble Lord need not have apologised for introducing the subject, for he (the Chancellor of the Exchequer) never heard a statement made in that House which bore more fully on every point of the subject, and which had been more clearly and forcibly urged upon their attention. He must at the same time say, as regarded the Motion with which the noble Lord's statement concluded, he was unfortunately obliged to differ from the noble Lord; and he should shortly state to the House the reasons on which that difference was grounded. If he refrained from following the noble Lord in all the observations which he had made with regard to the small amount of the Revenue derived from the tax on coals, and the evils which he alleged to result from it, he begged to assure him that it was not from any want of respect towards him, but solely because he thought the question lay within a much narrower compass. The noble Lord directed the attention of the House to the effect which he attributed to these duties in reducing the hours of profitable labour in the collieries, and diminishing the profits of shipowners whose vessels were engaged in the coal trade. If he could show the noble Lord that the amount of coal raised was not less than it had been previously, the noble Lord could hardly maintain that it was the duty which had produced the effect of displacing labour in the collieries. If in addition to that, he showed that the export of coal was nearly as extensive as before, then the noble Lord could scarcely hold the opinion that the tax had operated prejudicially to the shipping interest in connection with the coal trade. The noble Lord had justly stated, that as compared with 1840, there was a diminution in the exports for the last year; but if he compared them with the exports of 1841, the noble Lord would see there was an increase. It was not a fair comparison to contrast the exports of 1843 with those of 1842, for in consequence of the announcement, in the beginning of 1842, that the coal duties would be interfered with, a more than usual quantity of coal was disposed of in the beginning of that year, the amount sold in the first half of the year being very much greater than that sold in the latter half. Therefore, in order to have a fair estimate of the amount of coals exported comparatively since the duty of which the noble Lord had spoken, they ought to compare the exports of 1843, when the duty was in operation, with 1841, when there was no fear of a change in the duties, and consequently nothing to induce an unusual sale. It would be seen, by comparing the returns for 1843 with those for 1841, that so far from the quantity of coal exported in 1843 being less, it exceeded that exported in 1841—the excess was not considerable he would admit, but still there was an excess. He might, therefore, be permitted to doubt whether the duty had operated to prevent the export of coals. Now, he would ask, had the coal duties alone produced the effects to which the noble Lord had adverted, and had no other causes operated to produce them, independently of coal duties. Take the Colonies of this country. What was the effect there? Was the quantity of coal exported to the Colonies in the period to which the noble Lord adverted greater than in former years? On the contrary, the quantity of coal exported to the Colonies in 1841, was 344,000 tons; in 1842, 353,000; and in 1843 it fell to 307,000 tons; so that in the quantity of coal exported to our own Colonies where it was independent of duty, there was a considerable decrease, The paper on the Table showed that there was, in 1843, also a decrease in the quantity of coal brought to London, where there was no variation occasioned by the amount of duty. It appeared that, in 1842, there were 2,754,000 tons sent to London, and in 1843, only 2,663,000 tons, so that here was a falling off upon which the duty could have no effect. At Guernsey, Jersey and other places where there was no duty, it would be found that, in 1843, as compared with the two preceding years there was a falling off even in those places which were not affected by duty. That falling off no doubt had greatly affected the

shipping trade, particularly the shipping employed in carrying coals. The noble Lord had adverted to the falling off in our Colonial exports, and had truly stated that that falling off must have been prejudicial to the shipping interest; but that circumstance had no reference to the question then before the House, as the duty did not extend to coals exported to our own Colonies. It had been said, at the period when the duty upon coals exported to foreign countries had been proposed, that that measure would have the effect of ruining our coal trade with France; but he found that our exports of coals to France had been greater in the year 1843 than they had been in the year 1841. So that to the very country with respect to which the greatest alarm was expressed by the coal owners, at the time when this duty was imposed—to that country, respecting which the greatest complaints had been made, the export of coal had increased. With respect to Russia, again—the export of coals had considerably increased. But, said the noble Lord, formerly coal was sent to Russia in foreign ships at a high duty, and now, in consequence of our treaty of reciprocity, it was sent in Russian ships, which paid a low rate of duty; but how stood that matter? To take the duty as a test. The quantity sent in 1842, was 83,000 tons, and in the following year 116,000 tons, and the duty paid in the former year was 4,000*l*, and in the last year, 9,000*l*., and therefore, the increase of duty was greater in proportion than the increase in the amount of coal. The noble Lord was therefore incorrect in attributing to the export duty any injury to that branch of our trade. It would be remembered that, when the subject was before under discussion, those interested in the coal trade had made great complaints of the embarrassment occasioned to the trade by the great quantity of small coal with which they were overloaded, and for which they could find no market. Now, if a comparison were made of the quantity of small coal sent out at present with the former amount, it would be found that the increased export of small coal was very considerable. In the year 1842 the small coal exported was 148,000 tons, while in 1843 the export was 456,000 tons, giving a very large increase in the amount of small coal exported since the duty was imposed, and yet on this small coal the duty was most complained of as oppressive. With respect to the depression of the shipping interest, would the noble Lord tell him that that depression was confined to those ships engaged in the coal trade of Newcastle and Sunderland? Had there not been a general lowering of freight in all branches of trade? and if that were admitted, which he conceived to be the case, from the gestures of an hon. Gentleman opposite, what ground was there for imputing to the coal duty that it was the basis and cause of the depression complained of? But it further appeared, that with some of our Colonies, especially Canada, so far as coal was concerned, there had been more employment for the shipping interest in the last than in preceding years. Although the export trade to that Colony on the whole, was diminished, yet the amount of coal exported was greater than in antecedent periods. If then, the House was to judge of the effect of the duty from the documents on the Table, and from the information which they possessed with respect to the effect of the duty on the exportation of coal, there was no ground whatever for the House to yield to the proposition of the noble Lord. When he had the honour of submitting his financial arrangement for the year, he stated the grounds upon which it was impossible for him to extend beyond narrow limits the remission of taxation for the present year, and he thought his proposal met with general concurrence. He might have made an improper selection of articles to be relieved from duty. He might in the noble Lord's opinion, have committed an error in not substituting coal for wool, or some of the other articles, upon which the duty was reduced, but if the noble Lord looked at the duties which he proposed to reduce, he doubted whether he would not find that the reduction was calculated to aid that particular interest which he considered would be so beneficially affected by a reduction of the duty on coal. Since his measures were proposed, he had received distinct assurances from ship-owners that they would be highly favourable to the interest of that individual class. It was from gentlemen deeply interested in shipping, and thoroughly conversant with the trade, that he had received that declaration. He maintained, therefore, that there was no ground made out by the noble Lord which should induce the House to change the decision to which it had come. It was always a painful duty to resist attempts for the remission of taxation, urged upon the House with great power and ability, but his resistance was based upon

the narrow ground of the impropriety of affecting the revenue beyond what in the judgment of the House, the revenue could bear, and because there was no evidence that if a remission of taxation could be effected, this particular article was the one upon which the duty ought to be remitted. He should certainly oppose the noble Lord's Motion.

Mr. *Grainger* said he could not forbear from expressing his astonishment at the ground assigned by the right hon. Gentleman for resisting the proposition of the noble Lord, and to show that his astonishment was well founded, he would remind the House of the reasons assigned by the Government when they first introduced this measure, and when they opposed the Motion of the noble Lord (Lord Howick) last year. He regretted that the First Lord of the Treasury was not in his place, but he had the consolation of thinking that he was much more agreeably employed elsewhere. The right hon. Gentleman had justified the tax on the ground that such an article as coal was a perfectly legitimate source of revenue, and when the noble Lord below him brought forward his Motion last year, the right hon. Gentleman said that he could not consent to it, because nine months' experience was not enough to enable us to judge of the effects of the Tariff, and that they were not then discussing how they should appropriate a surplus revenue to the reduction of taxation. The right hon. Gentleman added also, that this duty was imposed by a large majority of the House, not because it was a good tax in itself, but to make up a deficiency in the revenue, and that these reasons still existed, as there was still a deficit. But now, forsooth, after the Government had, last year, led every one to believe that as soon as there should be a surplus in the Exchequer, then the time would have arrived for taking off the tax, up got the Chancellor of the Exchequer and said, "Oh, forsooth, I won't discuss the question upon any such ground. It won't do for me, having a large surplus revenue, to discuss this question upon the same terms as last year. If I remit this duty, I shall be beset in all quarters with applications for remission of taxes." He would ask the House whether there was any fair comparison between this and other taxes which called for remission, when the state of the revenue would allow it. This was a recent tax, it was not to be compared with those which had existed for years, and which might be suffered to continue for two or three years longer. If the tax was imposed in a moment of necessity, it ought to be taken off the moment that necessity ceased. He did not grudge the wool growers the remission that had been granted to them, amounting to 90,000*l.* or 100,000*l.*, but he said that the Coal Duty ought to have been repealed in preference. He came now to another ground upon which the right hon. Gentleman thought proper to resist this Motion. The right hon. Gentleman asked whether there were any proofs that this tax operated injuriously to the export of coal, and then he took the years 1841 and 1843, and because there had been a small increase in the latter year, amounting to about 47,000 tons, he said there was a proof that no injury had been sustained in consequence of the imposition of the tax. The question was, who had paid the export duty? Had it been paid by the foreigner? He did not think the right hon. Gentleman would venture to assert that it had. Was it intended when the tax was laid on that it should be paid by the shipowner or the coalowner? The argument of the First Lord of the Treasury was, that as in foreign countries there were heavy import duties on coal, it would be hard if this country could not derive some little revenue from it, and that we should tax those articles the exportation of which would bear it. If the Government were now satisfied that the tax, so far from falling on the foreigner, was borne by the shipowner and the coalowner, what pretence had they for continuing it? If the foreigner did pay it, of course the right hon. Gentleman would be prepared with documents to show that the tax had had the effect of raising the price of coal in the foreign market. But was it not known, on the contrary, that coal was sold at still lower prices in the foreign market than before? It might be said that the coalowner could afford to pay the duty; but even supposing he could afford it, no person could think it right that so large a sum should come out of the pockets of so few men. Were the shipowners, then, in a condition to bear it? The Chancellor of the Exchequer said that the shipping trade was depressed; but he asked, did that depression exist only amongst those connected with the

coal trade? Why, was there ever so fallacious an argument? Granting that there was a general depression in the shipping interest, what could be more calculated to increase that depression than to throw a number of ships out of employment? This was the natural effect, and if inquiry were made in the north of England, it would be found that owing to the depression of trade, the freight obtained by the shipowners was next to nothing, and now the duty was distributed between the shipowner and the coalowner. He had a Return of the quantity of coal exported in 1833 and in 1841, before the tax was laid, and it appeared that in 1833 the quantity of coal sent to foreign countries, excluding our Colonies, was 449,659 tons, and in 1841, 1,500,701 tons, being an increase of upwards of two-thirds in eight years. The average of the eight years showed a progressive increase of 132,630 tons, and he was entitled to assume, that if the tax had never been laid on, the increase in the exportation would have gone on in the same proportion. But every one connected with the trade knew that if this bar had not been opposed to it, the increase would have been to a larger extent, and taking the eight years, there would have been in 1842 and 1843 an increase of 165,260 tons, giving a result of 1,665,960 tons. Now, taking the amount actually exported at 218,606 tons, the right hon. Gentleman argued that the quantity of coal exported had not fallen off. He asked if there was any compensation in the amount derived by the revenue for the large quantities of coal in the pits thus left unworked. The right hon. Gentleman now had his pockets full—he did not say how he had filled them—and the coalowners had a right to say that before the surplus was employed for any other purpose, they were entitled to demand that the Coal Duty should be taken off. He called upon the House before they voted for the rejection of the noble Lord's Motion, to consider whether this was a fair and equitable tax or not. It was against all principle to impose a tax which even its supporters could not defend on any other ground than that of mere expediency; and would the House allow the Chancellor of the Exchequer to run away from the ground upon which it had been put by the First Lord of the Treasury last year? He trusted they would not, and that Members who had supported the Motion before would support it again, and that Members who had been absent from former divisions would now support it for the first time. He was sorry he did not see in his place the noble Lord, the Member for the City of London. Last year the Government said they had a high authority for imposing this tax—that of the noble Lord the Member for London. Why, the noble Lord had given his assent to it in the most cautious and guarded manner possible. He said that he should not feel justified in refusing it, provided the tax did no injury—meaning, that if the statements of the Government were deserving of credit, he ought to agree to it; but the absence of the noble Lord last year and to-night, must show the Government that he began to doubt of the expediency of his vote, and to fear that his ingenious mind had been imposed upon by the statements made to him. He trusted this would be a lesson to the noble Lord for the future, and that he would not allow himself to be won over by statements, but would examine every question for himself; and he was sure he would not again give a vote which had excited the surprise of every one on that side of the House.

Mr. *Warburton* said it was not from revenue considerations that he intended to defend this tax, although he thought that even upon that ground it was defensible. Mr. Ricardo, in his celebrated work upon taxation, distinctly laid down this principle, that if any country produced a commodity at a much cheaper rate than another, that was a perfectly legitimate subject of taxation, and it was proper to lay an export duty on it. He thought that on such considerations alone this tax was defensible; but it was not so much on these grounds that he intended to support it. What he contended was, that if the matter was fully investigated by the Government it would be found that there was but a limited quantity of this commodity at a moderate distance below the surface and accessible to the sea, and on that account, in the same manner as in a town in a state of siege you would break through the ordinary rules of political economy, and would not allow the soldiers to throw away their rations, so here you should in like manner depart from the ordinary principle. In the case of an article annually produced, such as corn, it was right to follow the ordinary maxims of political

economy; but with respect to coal, which was not produced annually, and which was to be found only in a limited quantity in the vicinity of the sea, it was perfectly justifiable to take means for regulating the sale of it, so as to secure to the inhabitants of your own country a priority of consumption of so important an article. Before a Committee of the House of Lords, in 1830, Mr. Taylor, the coal agent of the Duke of Northumberland, gave evidence, that there was coal enough accessible to the sea in Northumberland and Durham to last for 1,727 years. If he were merely to examine the data of this calculation he should at once bring down the number of years to one half; for he found that Mr. Taylor underrated the consumption of the coal of Northumberland and Durham, and stated it at only one half the real consumption, so that he should bring down the number of years from 1,727 to about 863 years. But he should not be content with that. There were several eminent scientific men who had given their opinions on this subject. Amongst others, Professor Sedgwick, of Cambridge, and Dr. Buckland, of Oxford, had examined these coal districts, and rated the time for which they would last at 300 or 400 years. But he would bring evidence from Northumberland and Durham—not taken at a time when the object was to underrate the quantity of coal, but when it was the interest of the witness to underrate its duration as much as possible. He referred to a Committee of that House which sat upon Ecclesiastical cases, and before which a witness was called—a highly respectable gentleman from Northumberland—a solicitor much interested in coal property, and who had formed an exact estimate of the coal property of the see of Durham. The question was whether the holders of Ecclesiastical leases should be allowed to redeem their interests and become the purchasers. Thus it was the interest of those whom the witness represented to underrate the quantity of coal, and the number of years it would last. The House would remember that the witnesses from Northumberland and Durham, in 1830, estimated the duration at 1,727 years. He would now read the evidence of Mr. Dalton, in 1837, before the Ecclesiastical Committee, and the House would hear his estimate of the duration of the coal of that district. The witness said that some calculations estimated the duration of the coal at 1,700 years, but that Dr. Buckland and others were of opinion that the whole would not last more than 400 years, and that thus there were differences of opinion to an enormous amount. He said it was impossible for any human being to make a correct estimate from the quantity of unexplored coal, and after giving some description of the different qualities of coal, and the prices which they fetched, he made this important statement—that as regarded the best coal, from the most accurate information he could obtain, he apprehended that the best coals from the district of the Wear would be exhausted at the end of the present century; that is, in about sixty years. One witness declared that the coals, that is, the best coals, must be exhausted in sixty years; so much, then, for the validity of the calculation of those who estimated that the coals would last for 1,727 years. They had then this calculation before them, that by the end of sixty years that species of coal wherewith the London market was supplied would be exhausted. What then did Mr. Buddell say in the Committee of 1830?—That if he were given a month, and had the aid of requisite agents from the Government, he should be able to give a precise estimate of the quantity of coals and the probable time they would last. He knew that before the coal would be exhausted, there would be a large increase in the price, that that increase must postpone the period when it might be utterly exhausted, and yet it could be quite within the duration of the life of many he addressed, to see either the coal exhausted, or an enormous increase in its price. There was a peculiarity belonging to this article of coals, and why they should facilitate its exportation to foreign countries, independently of the consideration that they were exporting the best quality of coal, and that peculiarity was very well known to most of the Gentlemen in whose presence he spoke. In Mr. Porter's "Progress of the Nation," there were explained the regulations adopted in the trade of coal, and which applied to the vend of coals in the counties of Northumberland and Durham. The general course of these regulations was this—a limited quantity of coals was only allowed to be raised, and each of the collieries was only allowed to sell a certain portion of the limited

vend. The ordinary course of purchase and sale was this—the purchaser offered his money, and the vender immediately let him have his commodity, and the parties were most pleased when there was the most expedition in the shipping of the cargo that had been purchased. This was not, however, the case with the coal-trade. If a Frenchman and an Englishman went to the same markets, in the ordinary course of trade, and both offered the same price for the same article, both would be supplied on the same terms, and at the same time. This was not the case with coals, for 30*s.* per chaldron would be about the price charged to the English purchaser, but the foreigner who went to purchase would be allowed to purchase at 18*s.* the Newcastle chaldron, so that the English purchaser would be required to pay 70 per cent. more than the foreign purchaser. ["Oh, oh!"] Yes, he stated that which was the fact. He had been upon Committees on this subject, and he too had found there that this question had been always shirked. There could be no more valuable evidence than that of Mr. Porter on this very subject. He was a disinterested party, and he told them that 18*s.* was the price to the foreigner, whilst the Englishman had to pay so much more. And then these persons who upheld this system, talked of the interest they felt for the shipping trade, and yet they detained English captains and English ships that came to them for coals—they kept them lying idle, supposing they had delivered the quantity they had agreed to sell, for a fortnight at a time. That was a grievance to the shipping interest they had it in their power to put an end to, and yet they persevered with it. Then there was another point to be remarked upon. There was a small coal—it was called "beam coal." There were in it particles of coal about the size of a walnut, which could not pass through the sieve. That very description of coal could be applied to most valuable purposes in England, if the coalowners would allow it to be used. It was, for instance, a species of coal that could be used with great advantage by lime-burners. Now they were sending to the Pacific for guano, for the purpose of benefitting the agriculture of this country; but why, he asked, did not the coalowners of the north allow this nut, or beam-coal, to be burned in England as well as by foreigners, when their doing so might be of such advantage to agriculture? He knew himself a great lime-burner—a gentleman who had once been a Member of that House, and who was well known to those he addressed. That gentleman had endeavoured to get this coal. He was a rich man, and there could be no doubt that his bills would be paid, and though he wanted for his business this very species of coals, and though the coalowners of the north sold it to the foreigner for 3*s.* a ton, yet the English purchaser could not get it at that price, nor at anything like a reasonable price. The English lime-burner would have been glad to have purchased the beam coal at a price proportionate to the large coal, and though the coalowners of the north sold it to the foreigner for 3*s.* the ton, still he could not get it. Then, he said, let this odious monopoly be done away with; for of all the monopolies that had ever been heard of, that which embraced almost the whole vend of that which was called the great coal districts was the most odious. The best price coals here were from 25*s.* to 30*s.* the ton, whilst in the foreign market, on account of the low price at which it was procured, it would be sold at some 50 or 60 per cent. less, yes, and that for the same description of coal. ["No, no."] He maintained that the same description of coal could be bought abroad some 50 or 60 per cent. less than it could be bought in the London market. That was, he said, in consequence of the odious distinctions which were made by the coalowners between the foreign and English purchasers. Now, if he could bind these coalowners by any bond that that they would now and for evermore abandon this system, that the odious restrictions of the vend should be abolished by them, then, he said, it would be a cheap bargain with those coalowners to give them the benefit of the removal of the duty: but as he did not see how that bond could be enforced, then he said that until these restrictions were removed, the Government did well in equalising, as far as it could, the coal trade; for by the laying on of a moderate duty on the export of coals, it brought a little nearer an equality of price between the best coals as purchased in London and as purchased on the opposite coasts of the Continent. It was with these views he supported the Chancellor of the Exchequer most willingly in his proposition to maintain this tax.

Mr. *H. Hinde* said, that the hon. Gentleman who had just sat down had attacked the manner in which the Coal Trade was carried on in this country; but his observations on this point did not appear to have much reference to the question before the House. What the coalowners complained of was, that the present export tax operated to encourage other nations to compete with them, and to exclude them altogether from many markets. It had been observed, in the course of the debate, that there were other causes independent of the tax which had caused a diminution in the coal trade to foreign nations? and, in proof of this, the diminution which had also taken place in the coal trade to our Colonies had been referred to. The truth was, however, that the export to the East and to China had diminished in consequence of the war; and if the East Indian and China trade were excluded, there would be found to be a great increase in the Colonial coal-trade. A strong objection to the tax was the injurious effect it had on the British shipping. The Chancellor of the Exchequer said that he did not defend this tax abstractedly, but that the question to be considered was, which would be most beneficial to the public—this tax or the substitution of some other? There was, however, a peculiarity attending this coal tax which was not to be found in connection with many other taxes, namely, that if it were continued to 1850, it would create a competition against the British coalowners in almost all other countries in the world, who would turn their attention to the opening of coal mines; so that, by the time that tax was abolished, all the mischief would have been done. For these reasons, he should give his cordial support to the Motion.

M. *Hume* agreed with the hon. Member for Kendal (Mr. Warburton) in thinking that a more disgraceful combination did not exist than the combination among coalowners. He thought it fairly came within the combination laws, and he had made a suggestion to this effect to the Attorney General, who, however, had not agreed with him. Last year this combination appeared to have been held toge ther by a very slender thread, and there were symptoms of its breaking up, and of the benefit of a free market being allowed to the public. Nevertheless, the system still continued. Evidence on the subject of this combination had been brought forward in 1836, and it appeared that it was the London brokers, who managed to ascertain what was the average price which would pay those included in the vend, that was to say, those who contributed a certain amount towards the supply of the London market. This price they fixed at 22*s.*, and whenever the price fell to 21*s.*, then fewer cargoes were sent to market, and thus the price was again brought up. There might be 180, or even 500 ships lying in the Thames waiting to unload, but their cargoes were only brought to market in such a succession as would keep the price of coals up to the regulated rate. This was a system which it was impossible not to comdemn; it was injurious to the shipping interests, and was not ultimately beneficial to the coalowners themselves. Now, what was the capacity of the coal mines? Instead of producing only 2,300,000 tons a year for the London market, there was a statement on the Table of the House which showed that the coal mines were capable of producing 4,000,000 tons a year for the London market. The colliers, however, were not allowed to work according to their capacity; but there was a prescribed amount of coal which each was allowed to produce, so that not more than 2,000,000 or 2,300,000 tons a year should be brought to the London market. It was with great regret that he saw this system could not be put down; but of this he was quite sure, that if he were sitting on the benches opposite, and had the powers of the Attorney General, it would be for him much more easy to convict these coalowners than Mr. O'Connell and his coadjutors; and he was sure he would have much less trouble with the jury, and everything else. A conspiracy more decided against the public than that of the coalowners there never had been; and it was to be remarked that the monopoly they desired to uphold applied to London alone. Now, as regarded the duty itself, he had from the first always advocated its repeal. In 1833, a Committee had reported that the tax ought to be taken off. In 1834 the export of small coals was 50,000 tons, and so it went on increasing until the year before last, when the duty was laid on, and then there was an export of 500,000 tons to France alone. In the three ports of the Tyne, the Wear, and the Humber, there were, in 1834, 1,497 ships employed; and in the year 1841

there were employed 4,220 ships. What was the result? The Chancellor of the Exchequer had said that things were now much the same as in 1841. Why, if it had not been for this tax, they would have gone on increasing, and they were to consider how many persons were employed in various ways by means of this trade. He repeated that the export tax was injurious to British shipping. Our mercantile navy was going to rack and ruin, and yet the Government were for continuing the duty on coal, to the still further detriment of the shipping interest engaged in that trade. They should also recollect that in most countries coal had now been discovered, and consequently the supply from this country must henceforth be less required. We formerly supplied the United States; but they would henceforth be able to supply themselves with the coal of their country. Our policy, therefore, was to sell while we could, for fear we should not be able when we would.

Mr. *F. T. Baring* said, that having opposed this tax at the time it was first introduced, he felt bound to say, that nothing that he had seen since, either in his own experience or in the returns before the House, had given him ground to alter his opinion as to the great inexpediency of having imposed it. Neither could he forget the circumstances under which the imposition of this tax was brought about—the negotiations between the coal-owners and the Government, by which the stern virtue of the former was softened down, and they were induced to acquiesce in the imposition of the tax, under the promise that the Government would take it off at the first convenient opportunity. Now, last year and the year before there might have been some pretence for saying that the Government could not take off this tax, but this was not the case now; the right hon. Gentleman, thanks to the Income Tax and other sources of revenue, being in the possession of a considerable surplus. But even this surplus would be increased by the alteration of the Sugar Duties proposed last evening by Her Majesty's Government. The right hon. the Secretary for the Board of Trade last night said, that he expected that this alteration would lead to an increased consumption of 20,000 tons of sugar, which, at a duty of 34*s.*, would give an increase of 700,000*l.* He thought that this was ample to afford the loss of 100,000*l.*. or 120,000*l.*, upon the article of coals. He (Mr. Baring) objected to this tax very strongly, upon the principle, that it was a tax upon exports; and he thought that the Government was rather inconsistent in adopting it, when they had recently prided themselves upon taking off the $\frac{1}{2}$ per cent. generally upon the exports of the country. The principle upon which the Government acted then was the right one, but it was very inconsistent with it now to lay on a tax upon the export of coals, which, upon small coals, amounted to the rate of 50 per cent. The Chancellor of the Exchequer said, that they had not found the tax to produce any injurious effects. Yet was it not the fact, that under the reduced duty, the exports were increasing every year, and that the shipping employed, as a necessary consequence, was increasing also. The right hon. Gentleman said, that the exports were not less than they were in 1841, but he should recollect that but for this tax the increase which was annually going on would have progressed, and that the exports now would have been considerably greater than those of the year 1841. Taking the average of eight years under the reduced duty, the annual increase had been 133,000 tons; so that the exports in 1843, instead of exceeding those of 1841 by 47,000 tons, should have done so by 266,000 tons. Yet the right hon. Gentleman opposite stated that the tax had not been injurious. Now, as regarded the shipping interest, taking colliers on an average to be of 300 tons burthen, the experiment of 1833 caused an increase of upwards of forty-four ships per year. That was the result of the measure recommended by a Committee of the House, and proposed by his noble Friend near him, the Member for the City of London. The result, therefore, of the measure of the present Government had been to put an end to the additional employment that had been given to the shipping. That being the case, the argument of the right hon. Gentleman opposite was most extraordinary. He contended that the tax ought to be continued, our shipping being in a state of great distress, and our coal trade falling off. Why, to him that appearance was the strongest argument for taking off the duty. There was one point which had been alluded to by the hon. Gentleman who had preceded him. It was the combination entered into, as he said, by the coal-owners to keep up prices, and if there was anything which would induce him to wish that hon. Member to be Her Majesty's Attorney-General, it would be because his hon.

Friend was determined to put an end to that combination by all legal means. He objected strongly to the principles on which that combination was founded, but he understood that this combination, or vend only included a part of the coal districts, and was by no means general or universal. It therefore did seem to him a little hard, because there were certain wrong principles adopted in carrying on a trade, principles in which all who were engaged in that trade did not concur, therefore the whole of the trade should be punished. Such were the observations which occurred to him on this question, and such were the reasons which induced him cordially to support the Motion of the noble Lord.

Mr. *Liddell* must say, in answer to the taunt which had been thrown out by the hon. Gentleman opposite against the coal proprietors for assenting to the imposition of this tax, that those parties had acted with greater prudence as regarded their interests, and those dependent upon them, in giving a limited concurrence in the proposition, than they would have shown in resisting the Government to extremes. He for one, however, yielded to that proposition, not without the hope that as soon as the circumstances of the country would admit of it the Government would hasten to remove the tax. When hon. Gentlemen opposite, however, threw out taunts of this description against Her Majesty's Government, and those who supported them in this House, he could not help reminding them, that but for the blunders and bungling policy of the party who sat opposite when they were in power, the present Government would not have found it necessary to impose this and other unpopular taxes. This Her Majesty's Government at least might say, that it was under them, that for the first time since the Whig party entered office in 1832, a Chancellor of the Exchequer had been enabled to lay a favourable balance sheet before the country. Well, certainly he might say so as far as regarded the period since 1836, when the right hon. Gentleman opposite assumed the duties of Chancellor of the Exchequer. Again he repeated, he hoped that this tax was one which would not be long persevered in. He must say, however, that he was somewhat alarmed at the line of argument which he had heard adopted to-night, and the facility with which Her Majesty's Government, instead of the arguments which they had formerly used on this subject, adopted those which had been started by others on the present occasion—that of the hon. Member for Kendal, for instance, as to the danger of falling short in our supply of coals, if exportation were increased, The fact was, that the hon. Member for Montrose and the hon. Member for Kendal, although they might go out into different lobbies on this occasion, had both fired their shot at the unfortunate coal-owners. The subject of the regulation of the vend, he thought was one better adapted for investigation before a Committee, than in this House; and if such a Committee were appointed, he doubted not that the result would be to disabuse the public mind of many erroneous impressions to which they had been subjected. In the *Morning Chronicle* of this day, for instance, he found an article in which all the arguments of the hon. Member for Kendal had been anticipated.

"The great coalowners, it was said, through the medium of a combination which has existed, with some partial interruptions, ever since the year 1771, restrain the amount of production in order to keep up the price to the English, especially the metropolitan consumer; and the extent to which this is carried is illustrated by the fact, that the same coal for which the Londoner pays 30*s.* a ton is sold in the distant market of St. Petersburgh for 15*s.* or 16*s.*"

Now, in the same paper in which this assertion was made, that the consumers of London were made to pay 30*s.* per ton for their coals to the coalowners, he found the account current of the coal market for the previous day, by which it appears that in spite of all the disadvantages which the coalowners laboured under from the present unsettled state of the trade, whereby between 30,000 and 40,000 men were kept out of employ; and notwithstanding that from those circumstances, the coalowners were unable to work their pits at all at present, the price for the best coals, the Lambton for instance, was 25*s.* 9*d.* and 25*s.* 6*d.*; and that of ordinary coals, 21*s.*, 19*s.*, and 18*s.* per ton. This was the state of the market, influenced by all these disadvantageous circumstances; but in the early part of the year, he found that the highest priced coals had been repeatedly sold as low as 19*s.* and 20*s.* per ton. It was the city dues, and the charges of the retail merchants, that enhanced the price of coals to the London consumer. As to the charge

of monopoly, and the alleged combination in regard to the "vend," there was too much competition to give the coalowner any great power in this way. The coal-owners of the north wished for no secresy or concealment. If the hon. Gentleman opposite wished it, let him move for another Committee on the subject, and call before it the agents of the principal coal-owners. The very fact of so large and so respectable a body of men coalescing together and remaining constant to their own laws was a strong proof of its necessity. Had no other trade done the same thing? Yes. The iron trade had found it necessary, and it was not fair, because the rules of political economy forbade it, to stigmatise this system in almost entire ignorance of its necessity or of its effect. The coalowners had now this export duty to contend with—and with all the other obstacles against them, he ventured to say, that they had not gained during the last year a profit of one per cent upon their capital. A petition had been presented to the House from the colliers, by the hon. Member for Finsbury, and he must say that the statements of that petition, of which but a very small part referred to the question before the House were incorrect. He thought it unfair, however to bring the subject of the strike of the colliers under the consideration of the House incidentally without any notice being given, and he trusted that the hon. Member who had presented that petition would not follow that course. The colliers possessed many comforts and even luxuries which were unknown to labourers in the other parts of the kingdom, and if they were not extremely ill-advised, the time was not far distant, when there would be a satisfactory termination of their unhappy disputes. He once more conjured Ministers to give their attention to this subject, not to persevere in a tax so unjust and injurious so as to make those who had supported it, repent the vote they had given.

Mr. *T. S. Duncombe* thought his hon. Friend, the Member for North Durham, was premature in accusing him of bringing forward the case of the strike in the coal districts on that occasion, for it did so happen that he had not intended to intrude upon that point more than one or two sentences from the petition which he had presented from the colliers out on strike, which he thought bore immediately upon the question before the House. But there was one observation which had been made by the hon. Gentleman while explaining the reasons of the high price of coals in this metropolis. In reply to an observation from the hon. Member for Montrose upon that part of the case, the hon. Member for Durham said, "You must recollect that the workmen have been for a long time on strike, and that there is consequently a difficulty, from the scarcity of labour, in working the coals at the pits;" and he added—and he (Mr. T. Duncombe) was sorry to hear it, as that opened up the whole question—that the roughness of the men added to the difficulty. [Mr. *Liddell*: No, no.] The hon. Gentleman had certainly used the words, for he (Mr. Duncombe) had taken them down at the time. Now he would say, looking at the number of men out on strike, amounting, he believed, to some 20,000 or 30,000, and the distress which they must have suffered from being out of employment for so long a period as eight weeks, that their conduct had been not only peaceable but most exemplary. [Mr. *Liddell* had not made use of the words which the hon. Gentleman attributed to him.] The hon. Gentleman, he was bound to suppose, did not intend to use the expression. Now, he could well understand why the masters and coal-owners did not wish to go into the question of the strike. He could understand that they might not be prepared to go into that question. Very great misrepresentations had gone forth as to the conduct of the men in reference to the strike, and if they were now to go into that question he (Mr. T. Duncombe) would be able to prove to the House and to the country, that it was the masters who had struck, and not the workmen. It was no question of wages that had led to the cessation of work, but entirely one of personal safety with the men, which had been endangered by the masters; besides which, certain bonds had been introduced by the masters this year, which were previously unknown, which the men (most properly as he thought) had objected to. The men, however, offered to refer the whole of the points in dispute to honourable and fair arbitration; this they state in their petition, and he asked, were the masters prepared to meet them in that fair and equitable offer or not? If they refused, they would be the parties in the wrong, and not the men. The men alleged in their

petition that many unfounded statements had been made for the purpose of prejudicing their case; that so far from refusing to come to terms with the masters, they had made many attempts, though ineffectually, to arrive at an amicable settlement; and they concluded by praying for a Select Committee to inquire into the whole case, and that legislative measures might be passed for their protection. Amongst other grievances, the coal-workers complained that they were paid for their labour by measures which were frequently incorrect, and by which they were considerable losers; and they desired that the masters should be compelled to pay for the coals obtained by weight, and really he could see no objection to this very reasonable request. The House had passed an Act to compel coals to be sold by weight, instead of by measure. That Act was for the protection of the masters, and no doubt also for the protection of the public, by preventing those frauds which, under the previous system had existed—then why not pay the men who worked the coals from the mines in the same manner? When the men called for Legislative interference for their protection, it was not for the purpose of regulating wages, or in any way interfering with the rate of remuneration, but what they asked was, that the Government should appoint inspectors to see that the works wherein they were employed were safe. The men also complained of the system of fines, and they alleged that the necessity for the fines arose from the bad ventilation of the mines, by which they were compelled, for their own personal safety, to work in the dark, the consequence often being, that after two or three weeks hard work, they found the fines left them in debt, instead of getting paid for their labour. If the masters were compelled to provide better ventilation, the men would have more light, and would be able to clear their coals themselves. They further complained that they were not paid, as other workmen, weekly, but only once a fortnight, and that it was the custom of the masters always to keep back one week's wages. The first three weeks the workman received no wages, but at the end of that time a fortnight's wages were paid to him, the other week being kept back in the hands of the master. He thought these were all matters which, if the masters meant fairly to the men, might be left to arbitration as they had proposed. It was said the men were combined together against the masters. But why were not the men to unite together for their mutual interests as well as the masters? The masters were now combined together as had been stated by the hon. Members for Kendal and Montrose, not only against the men, but against the public. He (Mr. T. Duncombe) rejoiced to see that in London a new regulation had been made by the Lord Mayor to prevent vessels lying in the river for the purpose of keeping up the markets. As he understood, the Lord Mayor had very properly provided that vessels should not be permitted to lie more than three market days without unloading, and that if within that time they did not discharge their cargoes, they should be compelled to go back out of his jurisdiction, and begin again at the far end. He hoped and believed, that the vigorous measures of the Lord Mayor would defeat the combination of the masters against the public. At present he understood, that combination was so stringent as to prevent those masters who were desirous of acceding to reasonable terms with the men, and trading fairly for the public, as well as their own advantage, from doing so. It was his intention, in accordance with the prayer of the petition, to vote for the abolition of the tax; and he must say he had heard no grounds, in the various speeches which had been made against the Motion, to induce the House to continue a tax which was most injurious to the master, and consequently to the workmen, and equally so, he was satisfied, to the public and the consumer in this country; while, on the other hand, it was not of sufficient importance as a matter of revenue, to justify the Chancellor of the Exchequer in upholding it.

Sir *G. Clerk* said, it had been asserted by more than one hon. Gentleman in the course of the debate, that the grounds of defending this tax had been changed on the present occasion from those which had been relied upon in previous discussions upon the same question, and that the arguments upon which the Government had depended upon those occasions having been found no longer tenable, his right hon. Friend the Chancellor of the Exchequer had taken up a new line of defence altogether. He, however, could see no such change in anything that had been

advanced by his right hon. Friend. He did not mean to hazard any opinion as to the probable duration of the coal mines of this country—whether they would be sufficient for the supply of one or two centuries; but he thought there was something in the arguments of the hon. Member for Kendal, that every year was rendering the working of the mines, which produced the best coals, more difficult and expensive in consequence of the increasing distance of the coals from the surface, and it was quite clear, that long before the whole of the coals should be exhausted, a very considerable increase in the price must take place to the consumer in this country; and if the export of coals were to go on increasing at the rate which some hon. Gentlemen anticipated, it would be necessary to take means to check it, for the sake of the consumers here, even supposing the coal mines should continue productive for a much longer time than it was calculated they would. With regard to the documents which his right hon. Friend the Chancellor of the Exchequer had quoted, and which it had been said he had depended upon in defence of the tax, instead of the arguments which had been urged in its favour on former occasions, his right hon. Friend had merely referred to those returns for the purpose of rebutting the argument which had been advanced, that the shipping interest had suffered under the operation of the duty. And he contended, that if the Government could show, as they had shown, that there had been no diminution in the exports in consequence of the duty, they made out a sufficient answer to the argument of the ruinous effects of the tax on the coalowners of the north, and the shipping interests engaged in the coal trade. It had been said, that no time could be more appropriate for the removal of the tax than when they had a surplus revenue. Upon that point he thought his right hon. Friend the Chancellor of the Exchequer had acted wisely in the selections he had made of the articles upon which to reduce taxes; and he confidently expected, that more public benefit would result from those reductions than could possibly follow from the removal of the export duty on coals.

Viscount *Howick* could assure the House that he should detain them but for a very few minutes. He had on a former evening so fully explained his views on this subject, and it had already been so fully debated, and the arguments upon it, one way and the other, had been so completely exhausted that he felt he should not be justified in detaining them at any length. At the same time, his constituents were so deeply interested in the abrogation of this tax, that he could not refrain from offering one or two observations. If he or the House required any proof of how truly at a loss the Government were for any grounds for defending this most impolitic tax, he thought it was clearly afforded in the truly inconsistent arguments of the right hon. Baronet who had just spoken; for, whilst in the latter part of his address—for the purpose, perhaps, of allowing time for his friends to come in, the hon. Baronet endeavoured to show that this tax had not been injurious to the trade. At the beginning of his speech he admitted there was much force in what had been said by the hon. Member for Kendal, as to the danger of the supply of coals being exhausted, and the consequent necessity of checking the export. Did they impose this tax to check trade and husband the supply of coal? If, so, there was an end of the latter part of the right hon. Gentleman's speech. But if they rejected this argument, then, he said, let them fairly debate the question upon other grounds, and look at its effects on the welfare of the community. But really the right hon. Gentleman must have had immense confidence in the gullibility of the House when he brought forward that argument of his relating to the probable exhaustion of the supply of coal. For except the hon. Member for Kendal, who was and had been for many years, afflicted with a sort of monomania, upon this point, he did not believe that there was another Member of the House who ventured to take his stand upon that ground. Why, they knew that in addition to the supply of coal in the north of England, the best geologists told them that there was in the Welsh field a probable supply for two thousand years, and that in addition to what might be obtained from Scotland and Ireland. Now for his part, he was content to legislate for the next two thousand years, and to trust that no great injury would accrue to those who came after that time. As to the coal trade being injured by the tax, he thought that Government had virtually confessed the case against them. He thought it had been shown most clearly and indisputably, that the trade had been injured by this tax.

The trade in coal had become flourishing beyond example, in consequence of the repeal of an impolitic tax on coal. For eight years it was advancing year after year. Then this tax was imposed, in spite of the warnings of opposition, and instantly the increase of the trade was stopped. Did they not all know how short was the step from a check on a growing to a falling-off trade? He did not wish to detain the House, but he must refer to two points, not very intimately connected with the discussion, but which had been already very pointedly alluded to in the course of the debate. The hon. Member for Kendal first referred to the regulations for vends, and the hon. Member for Durham took up the cudgels in favour of the coal owners. Now he objected to all these regulations and combinations, whether existing among masters or workmen. He knew that in this respect great injury had been inflicted by the coalowners upon their own interests, by their own most injudicious acts. It was that regulation of the vend which brought upon the coalowners of the Tyne and the Wear, the competition of that of the Tees, and which was now throwing into the market the coals of Scotland and of the northern part of Northumberland. They had, in the latter place, a very valuable coal field, which had been hitherto very little worked, but which would soon, as he hoped, send a valuable supply of coal to the market. Thus, they in Northumberland profited by the mistakes of those who entered into the combinations alluded to. The opinion he now expressed would probably be not a little distasteful to some of the most influential among his own constituents; but he must honestly say that he was pursuaded the regulation of the vends had been most injurious to the coalowners by whom it was established. But because these regulations of vend were injurious, that was no reason for keeping on the tax now so much complained of, and which affected severely many parties who had nothing to do with the combination in question. He knew that large contracts had been entered into for supplies of coal to be sent abroad, and which had been thrown up since the imposition of the tax. Was it just, then, to punish those who were not parties to the regulations by keeping up this obnoxious impost? But further, he was astonished to hear his hon. Friend the Member for Montrose—that hon. Gentleman who had brought in a Bill to repeal former impolitic laws against combinations—he was astonished to hear him say that he would put down these combinations, if he could by means of the Attorney General. The interests of these who formed them would eventually put them down; but he held it to be no matter for the House to interfere with. On every principle they were bound to leave the coalowners to themselves. He would just touch upon another topic, certainly somewhat irrelevant to the question, but which had been alluded to during the evening, and that was the unfortunate strike now existing among the pitmen. Feeling as he did, deeply anxious that this unfortunate and injurious strike should come to an end —a combination which was so injurious, not only to the parties immediately concerned in it, but to many others—he did deplore that the hon. Members for Durham and Finsbury should have thought fit to discuss such topics as those of the differences between masters and men. The only duty of the Government, and of that House, in supporting the Government, was to maintain the law—to take care that neither masters nor employers were guilty of violence, or breach of the law, in endeavouring to maintain their own interests. The House, he considered, had no right to pronounce an opinion as to the reasonableness or unreasonableness of the demands of the masters on the one had, or of the workmen on the other. He would not pronounce any opinion—indeed, he would venture to say he had not formed a decided opinion—as to these differences between the masters and those whom they employed. He would however, express his earnest hope that a sincere desire would be manifested on both sides, by mutual concessions, and by a spirit of moderation and conciliation, to bring these unfortunate differences to a speedy and satisfactory termination. He hoped that neither party would allow themselves to be misled by those who he feared had some interest in keeping up these differences. He would give his most cordial support to the Motion of his noble Friend.

Mr. *Humphery* said, he would not have attempted to address the House but for the statement of the noble Lord who had just sat down—that the House had nothing to do with differences betwen masters and their workmen. He begged to state to the House the facts of a case which had come before him in his magisterial capacity during the last week. There were, he understood, about 50,000 sailors employed

in the coal trade, and some of them had applied to him under these circumstances: They stated, that they had entered into an agreement to come from Newcastle or Sunderland to London at 4*l.* per voyage; some of them arrived here in April, and in consequence of the cargoes of coals not having been sold, they remained here at the present time. It appeared from the charter parties that an agreement had been made between the masters and the coal-owners that if the vessels were detained in London three market days, their masters or owners should receive 1½*d.* per ton for each market day. Now, there were three market days in the week, and the masters were consequently receiving 4½*d.* per ton, per week, and were thereby secured against any loss from remaining here. Some of the ships had been eight or nine weeks in the port of London, the masters receiving this sum, while the poor men who contracted to undertake the voyage for 4*l.* were compelled to remain here for a period during which they might have made three voyages. Now, was this a case in which the House ought not to interfere? According to the opinion of the noble Lord, the reply of the House would be, "No; we have only to see that the men do not commit any act of violence or injury." But, he would ask, what was to become of the families of these poor men during their detention here? Some of them had families of eight, nine, or ten children, and to them this was a matter of very serious importance. He would now offer a few observations as to the tax which the noble Lord (Lord Howick) and other hon. Gentlemen had objected so strongly. In France they can buy our coals at 15*s.* per ton, while in London we are obliged to pay for the same coal from 20*s.* to 25*s.* per ton. ["No, no."] "Yes, yes, I say you can." Why, then, should we give the French manufacturer the opportunity of purchasing coals so much cheaper than the English consumer does, and allow the French manufacturer to have such an advantage over the London manufacturer? This ought not to exist for one moment. [An *Hon. Member*: "The City dues."] The City dues, I beg to say, are only 1*s.* 1*d.* per ton. They said that they did not send the best coals to France. What, then, did they send? The French manufacturer required the same quality of coals as we consume in London. For his own part he was for increasing the duty. He quite differed from his Friends on this point. He went on a different principle. He said that Frenchmen should not have coals cheaper than the people of London had. But they would say, "if you can raise the price of coals in France the Belgians will soon supersede you in that quarter." Why, then, would the Belgians not supersede them in London? There was no duty on the imported foreign coals. ["Yes, yes."] What was it then? He contended that there was none, or if any, not more than 1*s.* per ton. If he had his will, he would put a duty upon coals exported to France, so as at least to raise the price of British coals there to a level with the London prices, so that the manufacturers should be on an equal footing. However, the coalowners had powerful interest both in this and the other House, and so he supposed that on this point they were safe enough. He would, however, on this occasion give his hearty support to the Government measure.

Mr. *Hutt* (Gateshead) said:— I am not sorry that I gave way to the worthy Alderman below me (Humphery), because I am sure that the House will be of opinion that he has thrown great light on the question under its consideration, and that he has unfolded his views on the subject of the Coal Trade in a manner which ought to be highly appreciated by the constituency which he represents. The worthy Alderman has explained to the House the hard case, as he conceives it, of certain sailors brought before him in his magisterial capacity, who were detained on board a collier in the river until the ship was discharged. I hope the worthy Alderman will not forget, when he has to deal as a magistrate with that case, that the men entered into an arrangement to do so at the time they were engaged, and that they made the bargain with a full knowledge of the duty they would be called on to perform. The case may be a hard one—perhaps it is so; but if the men think with the worthy magistrate that they have reason to complain, they will of course not enter into any such engagements on a future voyage. But now, Sir, for the subject under discussion. I must express my regret and surprise at the tone assumed by the Government in regard to it. I had hoped the Government had condemned this export duty on coals—that they were growing ashamed of it—and that, with the additional duty on Irish spirits, it was now considered by the

Cabinet as a great practical error in administration. This tax was first laid on in opposition to the recommendation of a Parliamentary Committee, and in direct contravention of the policy of an Administration of which two leading Members of the present Government were a part. The fact was, that the first Lord of the Treasury had learned, from Dr. Buckland, that there was no coal except in England, and but a very short allowance of it here! The right hon. Baronet in possession of that great fact, concluded that a free exportation of our stock would expose posterity to an alarming risk of being some day out of coals; and therefore, out of tenderness to generations to be born many centuries hence, he thought it proper to overlook the necessities of the race now living, and to tax the exportation of the produce from mines. This anxiety, however, of the right hon. Baronet and of his Government for the welfare of posterity, has avowedly been thrown away. Our stock of coals is not quite so limited as was supposed. The discoveries of pitmen have refuted the theories of the philosophers; and it is an established fact, that the coal-field is far more extensive than the geological statesman had ever imagined. The noble Lord has alluded to the district in Northumberland with which he is connected by property. In that district a valuable seam of coal has been of late discovered beneath the mountain limestone, where we used to be told it was vain to look for it; and in the southern division of Durham, another seam of coal has been developed, which geologists assured us could have no existence. I recommend these facts to the notice of my hon. Friend the Member for Kendal. They exhibit the folly of attempting to legislate on geological principles. But the first Lord of the Treasury had another argument in support of his tax—an argument which has been taken up by the Secretary of the Treasury in the absence of his leader to-night. We possess a monopoly of coal in this country; and by taxing the export of it, we shall render it dearer to foreign manufacturers, and so give an advantage to our own in the competition of business. That is, Durham and Northumberland are to be taxed, to promote the advantage of Lancashire. A factitious advantage is to be created for one portion of the community, by gross injustice and injury to another. And this is free-trade, I suppose, "in the abstract." Yes! export machinery without restrictions — the maker of machines has as much right to the foreign market as the maker of cotton cloth—but impose restrictions on the productions of the coal owner, in order to benefit manufacturers! This is consistency! To my mind it sounds very like folly, or something worse. The President of the Board of Trade has taken no part in the present debate. Last year his only argument was the state of the Exchequer. Well; you have replenished the Exchequer—why do you continue the tax? If the tax was justified by the pressure of public exigencies, when that pressure has been removed you are bound to remove the tax. I do not object to repealing duties on wool, vinegar, or glass; but I contend that coal had, on your own showing, a prior right to relief. The other points which have been raised in the course of this debate have been so satisfactorily disposed of by preceding speakers, that I will not trouble the House by again adverting to them. But before I sit down, I must say a few words in reply to the observations of my hon. Friends near me, the hon. Members for Kendal (Mr. Warburton) and Montrose (Mr. Hume). These hon. Gentlemen, acting in accordance with some opinions which, I am told, are put forth in a weekly paper, have raised the cry of monopoly against the coalowners. It has been remarked by the author of a very remarkable work, recently published—I am speaking of the author of Coningsby [laughter]—that in dealing with popular questions, nothing is so useful as a cry. I do not impute to my hon. Friends the use of this delusion with the same disreputable object with which it is commonly had recourse to. But, acquitting them of that, I must infer that they have raised the cry, because they are not capable of distinguishing between matters essentially different in themselves—that they have committed a gross blunder which, as public men and Members of Parliament, they ought to be ashamed of. A monopoly created by legislation is a gross abuse—it is an act of power by which one portion of the community is robbed for the dishonest purpose of pampering the interests of another. Such a proceeding cannot be too strongly denounced. But the monopoly of the coalowners is not of that character—it arises out of no special edict of the law—

it has its origin in the very institution of private property. Every man is a monopolist of his own property—of his own house; and he ought to be subject to no denunciation or odium on that account. The coalowner has a perfect right—not merely a legal right, which I would not too much insist on, but a right every way consistent with the best interests of society—to sell his coals in the highest market—to sell them in what manner he pleases, or not to sell them at all, unless it suit his pleasure and convenience. To get up a cry against the coalowner, and more particularly to expose him on this account to the operation of an unjust and oppressive law, is something new in the science of politics and morality. Such legislation would be becoming in no man—least of all is it becoming in transcendental economists and philosophers. [*Laughter.*] Why raise the cry exclusively against the coalowner? Why is he to be selected as the object of your virtuous indignation, and of the animadversion of the law? Is the regulation confined to the Coal Trade? Does it not exist in almost every other? I am not defending its policy—that is another question. I only say it exists everywhere, and is everywhere else uncensured, but in regard to coals. I read almost every week in the newspapers, that the ironmasters have met at Wolverhampton or Gloucester, and determined to raise the price of iron *5s.* or 10s. per ton. Does any one question the equitable and moral character of the combination which enables the ironmasters to do this? and would it not be a most iniquitous proceeding, because the ironmasters exercise in this respect one of the simplest rights of private property, that therefore they should be punished by the imposition of a duty on the exportation of iron, or by the continuation of such a duty, if there had been a Government sufficiently absurd to impose it? Then should the coalowner be so treated? Then why retain the coal tax? The tax is a disgrace, not merely to the Government, but to the Legislature of the country.

Mr. *Hume* rose to explain: He had been accused of charging the coalowners with carrying on an unfair monopoly. Let the House look to the evidence before it upon the subject. [*Loud cries of* "Order, order," "Chair, Chair."]

The *Speaker*: The hon. Member must confine himself to an explanation.

Mr. *Hume*: Certainly, strictly. I wish to explain that the coalowners—[*Loud cries of* "Order, order."]

Mr. *Wallace*: Mr. Speaker—["Order, order."]

Mr. *Wallace*: As the hon. Member for Montrose was not allowed to proceed, he would remark for himself that he had never heard anything more plain than the case which was made out by his hon. Friend against the coal owners, and which had not yet been controverted. He understood that these parties possessed a monopoly of an injurious and most improper kind, and that they carried it to the utmost extent to which it would bear. He was astonished to have heard a Liberal Member of the House, the noble Lord the Member for Sunderland, rating some of his hon. Friends for having brought under the notice of the House the grievances of upwards of thirty thousand people. He thought it a subject upon which the House ought to be informed, and that Government would do well to lend a favourable ear to the proposition made, that the dispute should be settled by means of arbitration. As to the subject immediately under the consideration of the House, he considered it to be a most unjust and injurious law, whereby 800 or 900,000 tons of coals were now spoiling at the bottoms of the pits, instead of having been raised and sent abroad, to the profit of both coal and ship owners. In the name of the large commercial constituency which he represented, he protested against the duty.

The House divided on Lord H. Vane's Motion: Ayes 74; Noes 110.—Majority 36.

List of the AYES.

Acheson, Visct.	D'Eyncourt, rt.hn.C.T
Aglionby, H. A.	Duncan, Visct.
Aldam, W.	Duncan, G.
Bannerman, A.	Duncombe, T.
Barclay, D.	Dundas, Adm.
Baring, rt. hon. F. T.	Dundas, D.
Barnard, E. G.	Egerton, Lord F.
Bellew, R. M.	Fielden, J.
Blewitt, R. J.	Forster, M.
Bowes, J.	Gibson, T. M.
Bowring, Dr.	Granger, T. C.
Bright, J.	Grosvenor, Lord R.
Browne, hon. W.	Guest, Sir J.
Butler, P. S.	Hawes, B.
Cobden, R.	Heron, Sir R.
Colebrooke, Sir T. E.	Hinde, J. H.
Collett, J.	Hodgson, R.
Dalmeny, Lord	Howard, hon. C.W.G.
Denison, W. J.	Howick, Visct.

Hume, J.
James, W.
Layard, Capt.
Leader, J. T.
Liddell, hon. H. T.
Macaulay, rt. hn. T. B.
Maclean, D.
Maher, N.
Mitcalfe, H.
Morris, D.
Morison, Gen.
Napier, Sir C.
Ogle, S. C. H.
Ord, W.
Plumridge, Capt.
Pulsford, R.
Rawdon, Col.
Rice, E. R.
Scholefield, J.
Smith, rt. hon. R. V.
Stewart, P. M.
Stock, Mr. Serj.
Strutt, E.
Talbot, C. M.
Tancred, H. W.
Traill, G.
Trelawney, J. S.
Tufnell, H.
Wakley, T.
Walker, R.
Wallace, R.
Ward, H. G.
Wawn, J. T.
Wemyss, Capt.
Worsley, Lord
Wrightson, W. B.

TELLERS.
Vane, Lord H.
Hutt,

List of the NOES.

Ackland, T. D.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Baillie, H. J.
Baring, hon. W. B.
Baskerville, T. B. M.
Boldero, H. G.
Botfield, B.
Bowles, Adm.
Boyd, J.
Brisco, M.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Campbell, Sir H.
Chapman, A.
Chelsea, Visct.
Clerk, Sir G.
Cockburn, rt.hn.Sir G.
Collett, W. R.
Corry, rt. hon. H.
Cripps, W.
Denison, E. B.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Eaton, R. J.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Filmer, Sir E.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fremantle, rt.hn.Sir T.
Fuller, A. E.
Gardner, J. D.
Gladstone, rt.hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Halford, Sir H.
Hampden, R.
Harris, hon. Capt.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hope, hon. C.
Hope, G. W.
Humphrey, Mr. Ald.
Hussey, T.
Johnstone, Sir J.
Johnstone, H.
Kirk, P.
Knatchbull, rt.hn. Sir E.
Lawson, A.
Lennox, Lord A.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, W. F.
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
Master, T. W. C.
Maxwell, hon. J. P.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Packe, C. W.
Palmer, G.
Patten, J. W.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rolleston, Col.
Round, C. G.
Round, J.
Rushbrooke, Col.
Shaw, rt. hon. F.
Sheppard, T.
Smollett, A.
Sotheron, T. H. S.
Stanley, Lord
Sutton, hn. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Ald.
Tyrell, Sir J. T.
Vesey, hon. T.
Vivian, J. E.
Warburton, H.

TELLERS.
Young, J.
Baring, H.

SHIPPING INTEREST.] Mr. *Lyall*, pursuant to the notice which he had given, moved,

"That a Select Committee be appointed to inquire into the state and condition of the Commercial Marine of this country, and to take into consideration, and report on the best mode of encouraging and extending, the employment of British Shipping."

The hon. Gentleman said, that the terms of his Motion would give sufficient latitude for inquiring into the whole subject, and he therefore hoped the hon. Gentleman, the Member for Bolton, would not press the Amendment of which he had given notice.

Dr. *Bowring* said, that he had the interests of the ship-owners as much at heart as any Member of that House, and his earnest wish was, whenever the Committee was appointed, that they should proceed fairly and fully to investigate the whole question, and ascertain the real cause of the distress. He made these observations in no hostile spirit, for his object was, that the attention of the Committee should be directed to the best mode of promoting the true interests of the parties concerned, and if he saw before him the prospect of a full investigation he should not now put the House to the trouble of dividing.

Mr. *Gladstone* said, that so far as the Government were concerned, they had no wish to oppose the appointment of a Select Committee for the purposes set forth in the Motion then before the House. At the same time, he thought it was not fitting that he should omit that opportunity of saying a few words. It appeared to him that the Motion brought forward by his hon. Friend was worthy of being supported; but if he did not offer a short explanation, he feared there might prevail some misapprehension as to the spirit in which Her Majesty's Government gave their support to the present Motion. It appeared to him that the state of our commercial Marine was such as to justify the

Motion which had been brought before the House; the more especially was he disposed to support the Motion on account of its having been brought forward by a Gentleman whose sound and temperate views of the laws which affected our commercial Marine eminently qualified him for the task of conducting the investigations of that Committee, and of bringing these inquiries to a satisfactory and beneficial issue. It was well known that at the present moment that great and important interest was exceedingly depressed; but that admission did not necessarily show that the policy was bad by which that interest was regulated. In such a case, however, no Committee of Inquiry ought to be appointed, unless there existed a reasonable prospect of removing the distress and the difficulties which existed, by effecting some possible change in the laws which bore upon that interest. There were, for example, the Navigation Laws, and other Acts, which might fairly come under the consideration of the Committee, and it might possibly be expected that some amendment of those laws would be proposed in their Report. Now, he wished to guard the Government and the House from the imputation of being supposed to think that the present depression could be ascribed to the existing Treaties of Reciprocity. No doubt those Treaties of Reciprocity would in some quarters be expected to form a main object of inquiry with the Committee. But he certainly did not assent to the appointment of the Committee with any such intention; and he did think that mischievous effects might ensue if the notion went abroad that after the lapse of so many years there existed any intention of departing from those treaties. He wished it to be understood, that he considered it totally impossible to do anything of the sort. He should consider any proposition to abandon those treaties as wholly visionary. They must be maintained unless this country were prepared to embark in war on a large scale. Between the evils of war and the maintenance of those treaties we had no choice. But he did, nevertheless, think it quite fair that the state of the shipping interest should occupy the attention of a Committee of that House. He thought that it was a matter which ought to be inquired into on commercial, political, and national grounds. All such matters should, he considered, be investigated from time to time, and it seemed to him that on the present occasion it might be a legitimate subject of inquiry for the Committee to ascertain, if possible, how far the existing depression had been brought on by the duties which affected our commercial Marine, and how far those might be alleviated? Finally, it appeared to him that the present state of the trade gave sufficient reason for the Motion then before them; and having thus guarded himself against misapprehension, he was willing to give the proposition his support.

Sir *C. Napier* concurred in the Motion. During the last three years there had been a great diminution in the commercial Marine of this country. As a naval officer he deeply regretted this, because the Navy must ever rely on the merchant service for seamen. He hoped and trusted the Committee would go into the inquiry fully and fairly, and without allowing themselves to be influenced by any party motives.

Mr. *A. Chapman* said, the shipping interest had reached a point of depression that was unparalleled in his recollection. It was his wish, and that of his constituents, that a full and fair inquiry should be had; and he was sure that the Committee about to be appointed would conduct the inquiry fairly and impartially.

Dr. *Bowring* wished to have some express understanding as to his amendment. Was it intended that the "causes of the distress" should be inquired into?

Mr. *Gladstone* answered, that they might form a legitimate subject of inquiry, but he thought it better that these words should not be inserted in the Motion.

Mr. *Hawes* said, that it appeared from the terms of the Motion that the Committee was to inquire into the best mode of encouraging the shipping interest. He did not know what "encouraging" meant, and he thought the expression ought to be defined, as it must be considered that the Committee was appointed on the responsibility of the Government. He wished that some additional words should be inserted, so that the Committee should be appointed to inquire into "the causes which had led to the present state of depression" of the shipping interest. As the Motion now stood, the causes of the distress could not be inquired into. All that the Committee would have now to inquire into was the present state of the shipping interest, but of its present state the House knew beforehand. Was there any objec-

tion to add some words to inquire into the causes of the distress. If not, he should cordially support the Motion thus altered. Perhaps it might be found that there was no branch of the commercial interest which had been so nursed and protected, and which had been so often complaining, as this interest. They had always been having something done for them. Probably, however, if the Committee came to inquire into the causes of the distress, they would go no further, for the causes he was persuaded, would be found in those restrictions on trade which affected the shipping interest more than almost any other interest. He moved that after the words "of this country," the words "and into the causes of its present distress," be inserted.

Mr. *Lyall* said, that in the wording of his Motion he had wished to avoid all expression of opinion that there was distress. He wished the Committee to inquire into the facts, and ascertain whether there were distress or not.

Mr. *Hume* was in favour of the insertion of the words, because there were those who wished to go back to the system that was in vogue twenty or thirty years ago, and to investigate the causes of the existing distress would give an opportunity for showing whether they were right or wrong.

Mr. *Gladstone* said, his objection to the words was that he was afraid they would go to create a misapprehension out of doors as to the real intention and object of the appointment of this Committee. He was afraid that practical effect would follow, considering the extent of the popular cry that the existing distress had arisen from our Reciprocity Treaties. He thought there would be that danger in the adoption of the words. He thought the words as they stood were perfectly safe and intelligible. As to the meaning of encouraging the employment of British shipping, there might be gentlemen who wished to abolish altogether all differential duties on ships of different nations; they might consider that to be one mode of encouraging British shipping. He should be glad if the hon. Member would withdraw his motion.

Mr. *Hutt* thought, that the hon. Member for Lambeth ought to agree to this, after the explanation of the right hon. Gentleman. He would take this opportunity to ask the reason why some papers for which he had moved last Session, and which would have exhibited the reasons why British ships were charged in foreign ports dues which were not charged on foreign ships, had not been laid on the Table. They would have thrown great light on this subject, and he regretted that the Order of the House with respect to them had not been complied with. He had made every inquiry in the proper quarters, but he was not able to find why obedience had not been rendered to the Order of the House.

Mr. *Gladstone* said, he should be as glad, and he was as curious to see the returns as the hon. Member could be; but the hon. Member must recollect that the preparation of returns of this nature took a great deal of time, as they ran a good deal into detail. In this country they found it difficult enough to get such returns, and in foreign ports, where they had to depend altogether on the consuls, who had not the facilities for obtaining detailed returns that we had here, it was still more difficult. He could only recommend patience to the hon. Member; but he could assure the hon. Member that he would make every exertion in his power, by requesting his noble Friend at the head of the Foreign Office to reissue his circular to the consuls at the foreign ports from which no returns had hitherto been made.

Sir *W. James* concurred with the hon. Member for Whitby in considering the present state of the shipping as most lamentable, and one into which it was most desirable to have a full and fair inquiry.

Mr. *Wawn* said, he had just returned from the borough he represented (South Shields), and he could say the shipping interest was in a most deplorable condition. He hoped some measure might be suggested for alleviating the burthen of taxation which pressed on the shipping interest so as to enable them to compete with foreigners. They would look with very great jealousy at the construction of the Committee. He hoped such Members might be appointed on it as would duly represent the shipping interest, though he wished only for an equality, not a majority of Members belonging to that body.

Viscount *Palmerston* was glad to see, that there was not much difference between his hon. Friend and the right hon. Gentleman opposite. Both were agreed, as every one must be, that the Committee was not intended to go into the question of the Reciprocity Treaties. The necessity

of these treaties as a measure of self-protection to this country, was so obvious to everybody who had bestowed a moment's consideration on the subject, that no Committee would conceive it to be their duty to re-open that question. The right hon. Gentleman apprehended that if the words proposed by his hon. Friend were inserted, either the Committee or the public might imagine that such was the intention of the proposers of the Committee. He did not think that a valid objection to the adoption of the words, and it seemed to him that an inquiry into the origin of the distress was necessarily involved in the very Motion of the hon. Gentleman, because, if you inquired into the condition of the mercantile navy, meaning thereby the distress which now prevailed if you inquired how you could encourage and promote its prosperity, you must necessarily inquire what had been the cause of the distsess. Unless you investigated the cause of the distress, you could not propose any effectual remedy. Therefore, it seemed to him that the words suggested by his hon. Friend were so naturally involved in the Motion itself, that it was really a matter of words rather than of substance which was discussed between them, namely, whether the addition of these words would make the Motion more clear, and put the Committee more completely in possesion of the course it was intended to follow. The causes of the distress were various, independent of, and unconnected with the Reciprocity Treaties, and the inquiry should be directed to the effects of competition, of domestic restrictions, and to the various disadvantages under which the shipping interest of this country might labour. His hon. Friend on his left hand had taken advantage of this discussion to put a question to the right hon. Gentleman opposite; and he would take the liberty of following the example, and asking a question connected with this subject, which, if the right hon. Gentleman could not answer at present, he would perhaps bear in mind, and return an answer at some future day. It related to a matter that was very important to the shipping interest, and which had frequently been brought under the consideration of the House; he meant the Stade Duties. There had been a very long negotiation on this subject. They were told at one time that the negotiation was going on, and twelve months ago they were told that it was virtually broken off. Papers were then asked for, and it was stated that they could not be produced while the negotiation was proceeding. He wished to ask the right hon. Gentleman what had become of that unhappy negotiation, and whether it was now dormant, or in that state of annihilation and extinction which would permit Government, without prejudice to the public service, to lay before Parliament Papers showing what had passed on the subject? With respect to the production of Papers, he would not press for them now, but if the negotiation was still pending, perhaps the right hon. Gentleman would give an answer on that point at some future day.

Mr. *Gladstone* said, the noble Lord was quite correct in his remarks, that a very long negotiation had been proceeding on this subject, for, in point of fact there was a negotiation going on for eleven years, at least for seven or eight years, while the noble Lord was at the Foreign Office. But the noble Lord was not altogether correct in calling it an unhappy negotiation; it had now reached, at least had substantially, he considered, reached its conclusion, and one which he thought would be satisfactory to the mercantile body and the public at large. An arrangement had been agreed to between the Government of Her Majesty and the King of Hanover, though it had not yet reached its formal term, and some of the details of which were, at the present moment, in process of adjustment. It was, therefore, not in such a state as to enable the Government to lay the Papers before the House; but, at the same time, it was in such a state that he had not the least hesitation in using the expression he had employed—a state of virtual and practical conclusion. He believed the day was fixed on which the negotation was to be carried into effect; he was not positive, but he thought the 1st of October. He was not surprised that the noble Lord, after what had passed, should feel an anxiety on the subject, and the Government would be very glad if, when the day came, they could lay the Papers on the Table. Although he would not bind himself to their production, he hoped that very shortly, and certainly before the close of the present Session, the Papers relating to the negotiation would be produced to both Houses of Parliament.

Viscount *Palmerston* wished to know whether the effect of the arrangement would be to reduce the Stade Toll?

Mr. *Gladstone* thought it would tend greatly to the disadvantage of the public service, and to mislead the House with respect to the nature of the arrangement, if he were to answer that question, or give any further information.

Mr. *Milner Gibson* said, the public would be better satisfied if they were informed that the country would get rid of the Stade Duties altogether. Hanover had done nothing to facilitate the navigation of the Elbe, or to make any adequate return for the sums levied on British ships. He did not think that the public would be satisfied with a mere diminution of the duties. He hoped that his hon. Friend (Mr. Hutt) would take another opportunity of bringing on this subject, as well as another that was also important to the shipping interest—that of the Sound Duties. These were open to great doubt, and he hoped the matter would be thoroughly sifted by the Committee. He wished to know the position in which the question before the House stood. He understood the hon. Member for Bolton meant to move certain words as an addition to the motion of the hon. Member for London. Taking the words of the Motion, there might be some doubt as to the subjects into which the Committee were to inquire. Very often, when some question arose on which a Committee did not like to enter, they got rid of the difficulty by saying, "We have no authority for this, it is not on the Votes." He hoped his hon. Friend would press the words he proposed to add, because it was plain, that unless the Committee was to go into the question of the effect produced on the interests of the commercial Marine by the restrictions on the supply of naval stores and provisions, there would be no fair, good, and impartial inquiry into different branches of the question. He did not look on the maintenance of those restrictions as an article of religious faith, as some hon. Gentlemen seemed to consider it; he thought we should inquire into the bearing of restrictions on all branches of our industry; and particularly, when inquiring into the state of the shipping interest and the effects of competition, we should examine how far English ships might be prevented from succeeding by these restrictions.

The amendment moved by Mr. Hawes put and negatived.

On the original question being again put,

Dr. *Bowring* would be satisfied with the words proposed by his hon. Friend; but looking to what the right hon. Gentleman had stated, that he intended the inquiry should be conducted on a large scale, he could not see that any inconvenience would result from adding the words which he proposed. The hon. Member for London had no objection to the words, they grew out of the Motion, and it was admitted that they ought to form a part of the inquiry. He should therefore move that words be added to the Motion, as follows:—

"And that the said Committee do examine into the effect of the Taxes on Materials used in the building and equipping of British Ships; also into the effect on Wages and Ship Stores of our restrictions on Provisions (in respect to the expence of navigating British Ships), and to consider and report to the House on the expediency of removing the same, in so far as they may be found to prevent the British Shipowner from competing successfully with the Foreign Shipowner."

Mr. *Gladstone* was sorry to be under the necessity of objecting to the words now proposed to be added, and he objected more specifically to them than to those suggested to the hon. Member for Lambeth. They were in their nature calculated to lead to misconstruction, and to make it seem that the inquiry of the Committee was to be in a particular mode and direction, while, in point of fact, it was general. He most distinctly objected to any particular specification of the objects of inquiry, which might lead to the belief that one portion of the shipping interest was to be made the subject of investigation to the exclusion of other points in connexion with the matter. In fact, the amendment of the hon. Member for Bolton would have the effect of restricting the labours of the Committee.

Mr. *Hume* said, the right hon. Gentleman the President of the Board of Trade appeared to think that the amendment which the hon. Member for Bolton had proposed, was calculated to limit the inquiries of the Committee. As the right hon. Gentleman had given the House an assurance that the subject would be inquired generally into, he trusted that the hon. Member for Bolton would withdraw his amendment.

Dr. *Bowring* expressed himself satisfied with what the right hon. Gentleman the President of the Board of Trade had stated to the House, and should withdraw his amendment.

Sir *C. Napier* wished to know whether they would appoint a fair Committee? He hoped it would not be packed from the other side of the House.

Amendment withdrawn.

Original Motion agreed to.

MAGISTRATES AND POLICE OF SHREWSBURY.] Mr. *Hume* was sorry at that late hour to bring the subject of which he had given notice under the consideration of the House. He would state shortly the object of his Motion. Hon. Members might have seen the petition to which it referred on the Votes. He was induced to bring the matter forward because it was a case of great hardship towards a poor man, following his vocation as a hawker. He hoped that that circumstance would not induce the House to refuse to entertain the question. It was not his wish to say anything calculated to offend any individual connected with this affair. He was only induced to bring the subject before the House in consequence of certain facts which had come to his knowledge, and which appeared to establish a case of great oppression towards the individual in question. He would first state the circumstances of which he complained. It appeared that Alfred Moore was a licensed hawker. He earned his living by pursuing this trade, and was endeavouring to save a sufficient sum to enable himself and family to emigrate to one of our Colonies. On the 2nd of September, 1843, when Alfred Moore was pursuing his business in the town of Shrewsbury, he was stopped by a policeman of the name of Thomas. The policeman asked Alfred Moore to show his license. Before the man was asked to show his license his basket was taken from him and placed upon the ground. The hawker produced his license. Before he had ventured to bring this matter before the House, he had made an application to the officer and had ascertained that Alfred Moore had been a regularly licensed hawker for several years; that he had been appointed to sell goods, and bore an excellent character. Those facts having been established to his satisfaction, he was disposed to listen to his statement, which was simply this—On the 1st of September, 1843, a policeman of the name of Thomas desired Alfred Moore to produce his license. He complied with the demand and showed the license. The policeman took the hawker's box and placed it upon the ground. The policeman after examining the license said, "Take your box and go about your business." The language of the policeman gave offence, and Alfred Moore said, "You have no right to take my box." Other words followed, and Thomas (the policeman) took the man into custody and locked him up for two hours. At ten o'clock he was bailed out. The next morning he was taken before the magistrates, and after waiting two hours (no witnesses having been examined), the magistrates retired. Soon afterwards the clerk said, that the Mayor considered him (Alfred Moore) guilty, and committed him to solitary confinement in the House of Correction for three months, for endeavouring to levy charitable contributions under false pretences. Two or three days after his confinement, Moore applied to the Home Secretary requesting his interference, but the answer he received was that no relief could be afforded him. He (Mr. Hume) having heard of the circumstances, and of the universal good conduct and proper behaviour of the man, applied himself to the right hon. Gentleman the Secretary of State, but he was told that no remedy could be obtained except by suing the magistrates; but that was a course altogether so difficult for a poor man to pursue, that he (Mr. Hume) had felt it his duty to bring the matter before that House, to show to that House and to the country the manner in which individuals of the best character might be punished, and that severely, by the present system of summary convictions — a system which he until now had no idea was practised by magistrates to anything like the extent that it really was. The charge against Moore was that of asking charitable aid under false pretences; and the only ground for such a charge appeared to be, that in the House where he lodged resided some persons who had carried on the practice of sending circular letters asking charity, coupled with the circumstance that there was found in his possession a certain card containing the names of Lord Alford and several other persons with sums of money opposite them. That, however, as he was given to under-

stand, was neither more nor less than the amount of money received in return for goods sold at the Houses of these different persons. He was informed that three or four persons in connection carried on the same trade, and that it was a mutual agreement between them that each should enter upon a card the quantity of goods sold to, and the price obtained from, every person who dealt with him. He complained that the magistrates should have assumed that Moore should have written begging letters, without comparing his handwriting as they had had ample means of doing. He found from the last Return presented to Parliament upon this subject, that no less than 72,028 persons were committed by summary convictions in one year. If the punishment those persons suffered were slight in its nature he should not say so much about it; but of that number those who were confined for less than one month were 34,895; between one and two months, 21,691; between two and three months, 7,649; between three and six months, 7,106; between six and twelve months, 796; between one and two years, 169; and between two and three years eight; whilst 144 were sentenced to be whipped, fined, and imprisoned for an unlimited term. It did appear to him that there should be some limit to the exercise of such power upon the part of Magistrates; and it had struck him that it would have been proper for the Secretary of State, after the good character of the man had been made known to him, and the circumstances of the case fully detailed, to direct some person to make inquiry into the subject, and to procure the man's discharge if it should be found that he had been improperly convicted. He should add, that this commitment was not made by the County Magistrates, commonly called "the unpaid," but by the Mayor and City Magistrates of Shrewsbury; and he should also add, that he had himself no complaint to make of the Mayor, who had been very candid in his statement, and had given the reasons which had guided the Bench in its decision. Those reasons, however, did not appear to him to be sufficient, and he could not but regard the case as one of the grossest injustice. He had taken the greatest pains to ascertain the truth of the matter; he believed the man to be perfectly innocent, and that the policeman was very much in fault. For these reasons he begged to move that there be laid before the House a copy of the commitment of Alfred Moore, licensed hawker, at Shrewsbury, upon the 2nd of September, 1843.

Mr. *D'Israeli* said, if he had had any idea that the hon. Gentleman, the Member for Montrose, was about to bring before the House the question of Summary Jurisdiction, he should have requested him to introduce the matter in such a form as would call for a reply from some Gentleman holding a more important position in that House than himself—in such a form that perhaps even the right hon. Gentleman, the Secretary of State for the Home Department, might not have deemed it unworthy of notice. But when he (Mr. D'Israeli) saw that question brought forward upon so isolated a point, and under circumstances so limited as those connected with the commitment of one licensed hawker, he hoped that the House would not deem it arrogant upon his part if, even at so late an hour, he rose to defend his constituents. The hon. Gentleman admitted with that candour which characterised him, that he had met with every attention from the Mayor, and had had every advantage offered to him in prosecuting his inquiries in the present case; and he (Mr. D'Israeli) might add that the hon. Gentleman, who had certainly had considerable experience in bringing forward grievances to that House, had never brought any case forward under circumstances so peculiarly advantageous. No sooner did the magisterial functionaries find that the hon. Gentleman intended to bring forward this case than—confident in their own innocence, or alarmed, perhaps, at the threatening attitude assumed by the hon. Gentleman—they posted up to London, and, instead of consulting their representative, they went at once and consulted the hon. Member himself. They made the hon. Gentleman completely acquainted with all the circumstances of the case, and they were astounded when they heard that he intended to bring the subject before the House. The parties then came to him and asked him what they could do. He told them their only chance was that it was not at all impossible, judging from the observation he had made of the conduct of the hon. Gentleman during the time he had been in the House, that the hon. Gentleman might misunderstand their case, and misstate his own. It had turned out

exactly as he had anticipated; the hon. Gentleman had totally misunderstood every circumstance which had occurred, and had misstated the case which he ought to have brought before the House. The House must have observed that the hon. Gentleman had really made no distinct allegation. Here was a person convicted, who afterwards had an opportunity, of which he availed himself, of appealing to the visiting Magistrates to examine into the matter, which they did not. He then appealed to the Secretary of State, and he did not think proper to interfere. The case was now brought before the House of Commons, and the House, he trusted, would follow the example of the Secretary of State, and not interfere. The hon. Gentleman had called this a case of great injustice. He did not wish to enter into the details; but it appeared that the conviction of the individual was with the hon. Gentleman a sufficient argument to prove his assertion. But what were the facts upon the sworn information before the Magistrates, and not upon the desultory statement of the hon. Gentleman? He would state them, and then leave the House to draw its own inference. It seemed that a person, a hawker, had been called to account in the Market-place. The hon. Gentleman seemed to deny that he was drunk, but the officer swore that the hawker was drunk; and a respectable officer would not swear to that fact unless there were some circumstances to justify his opinion. The person was arrested; and the hon. Gentleman said, that he was confined in a lock-up house before sunset, and not taken before a Magistrate. It so happened, that though he was not immediately taken before a Magistrate, a Magistrate saw him, and he was admitted to bail, directions being given that very good bail should be taken, the Magistrates having particular reasons for giving such directions. And there were sufficient reasons in the papers taken from him; not that mysterious letter from the lady. [Mr. *Hume*: The Mayor's letter.] He thought the affair would turn out to be a mare's nest, and not a mayor's letter. It so happened that a system of begging-letter imposition had been carried on in Shrewsbury to a great extent. A card was found on which was a list of the commissioners, and orders executed by this Alfred Moore, the hawker; and among them was the name of an hon. Gentleman who represented the county of Salop; and those not acquainted with his handwriting would have taken it for a genuine signature. But if that hon. Gentleman were present in the House he would have no difficulty in showing the hon. Gentleman that he had not given the order for 10*s.* worth of cutlery. There was the signature of Mr. Armstrong, equally genuine. And, moreover, he had the letters of the lady, but he would not trouble the House with them at that late hour. But the Town-clerk would prove that they were in the same handwriting as those which were sent to the Shrewsbury post. The man and his wife were examined before the magistrate, and the account they gave of each other was perfectly incorrect. They were examined separately. The man swore that he had arrived at Shrewsbury about a week before. The wife afterwards swore they had been three weeks in Shrewsbury. A signature was traced as that of another person, who was also examined, and who swore that she had not been acquainted with the woman; but the man swore that they had been three weeks acquainted with her. Among the papers of Alfred Moore was found a successful imitation of the handwriting of the Town-clerk, so perfect that it might deceive any person not particularly acquainted with his handwriting, and which was intended to bear upon another begging transaction. [Mr. *Collett*: Perhaps the hon. Gentleman will state the nature of it.] He was stating the facts as sworn, and the House would draw any inference they liked. He wished to impress upon the House, how totally different was the character of the case from that which it had been represented to be by the hon. Member for Montrose. It had been investigated with the greatest care; the inquiry occupying the whole day. By the information sworn, it appeared that the man was examined early in the morning, and the case was adjourned until six o'clock in the evening, and then the magistrates entered into the case and decided it; the decision having been communicated from the Bench, as he was informed, by the Mayor, and not by the Town-clerk, as the hon. Gentleman assured the House that it was. The Mayor himself delivered the sentence, the prisoner never having cross-examined one of the witnesses. [Mr. *Collett*: Who were the witnesses?] As the hon. Gentleman asked

who were the witnesses, he seemed to be ignorant of the case. The witnesses were, John Thomas, the officer who arrested him—the head of the police of Shrewsbury, Mr. John Peel, the town-clerk, who entered into all the circumstances of the letters, and swore that he believed the writing upon the card and the letters of the lady to which the hon. Member had referred to be the same, and who also swore to the forgery of the signature of the hon. R. Clive, a Member of that House. The other witnesses were Johanna Shore, who kept a house resorted to by such persons in the Abbey-causeway; and Priscilla Rogers. These circumstances took place in the month of September; and he mentioned that, because it had been said in a local print not under the influence of the hon. Gentleman, but one which admired him, that this affair was a consequence of magistrates being made by a Tory Government. Now, every Gentleman concerned in the transaction was a magistrate either appointed by the late Government or chosen to office by municipal influence. The appointment of the magistrates, then, was not in the least dependent upon the influence of the present Government, and the principal individual, Mr. Cooper, was one who had greatly admired the hon. Member for Montrose until the hon. Gentleman determined to bring this case before the House; for it was by his advice, and upon his recommendation, that the magistrates of Shrewsbury had consulted the hon. Member for Montrose upon the subject. Therefore the House would see there was no party feeling in vindicating the conduct of the magistrates. Under these circumstances, then, he must say that there never was a case at any time, in any Parliament, or in any country, not even any case that the hon. Gentleman himself had ever brought forward, so utterly unworthy of notice. It was a case so totally devoid of all pretext of complaint, that he defied any one to point out a parallel even in the greenest period of the career of the hon. Gentleman, when he was in the habit of bringing cases of grievance from all parts of the globe, which were instantly disproved, and turned out to be exactly the reverse of his allegations; although at that period the hon. Gentleman told Mr. Canning, when charged with making unfounded allegations, that he (Mr. Canning) was the "greatest alligator" in the House. There never was a complaint more unfounded than the present, and never had a case been more thoroughly investigated. Circumstances of a very complicated fraud were discovered, and the delinquent was treated as he deserved to be, according to the law of England, as a rogue and a vagabond. This was the client of the hon. Gentleman. The case, as he had stated, happened last September, and the hon. Gentleman had disturbed the town of Shrewsbury ever since with his correspondence and examinations. After seeing the matter on the Notice-book of that House for at least two months, he certainly thought the hon. Gentleman would have had something of a case; but, when the hon. Gentleman asked whether any evidence had been given, he should have thought that the Mayor, whom he pumped so successfully, his friend the Town-clerk, and the other municipal authorities, with whom he had been in frequent communication, might not have left him so wholly in the dark as to the merits of the case as to conceal from him the testimony of the four witnesses whose names he (Mr. D'Israeli) had mentioned to the House. This fact, however, showed how the hon. Gentleman had investigated the subject. Upon the whole, he could not help thinking the House would give a decided negative to the Motion.

Mr. *Collett* wished to know, whether it was for being drunk, or for having begging letters in his possession, that the man had been taken into custody?

Mr. *D'Israeli* said, he had already stated that the man had been taken into custody for being drunk in the market-place; and, according to the conviction which had been read by the hon. Member for Montrose, it appeared he was convicted as a rogue and a vagabond, because he had endeavoured to procure charitable contributions under false and fraudulent pretences.

Mr. *Hume* thought if bold assertions and a perversion of facts could do anything, the hon. Member for Shrewsbury had made a good defence. But he wished to know what the right hon. Baronet opposite (Sir J. Graham) could have meant when he said that the only redress the man had was by action at law? Did not that imply an opinion that the man had been unjustly treated? He denied that the man was drunk; there was no other evidence to prove it than that of the policeman who

had committed the outrage upon him. It was an invariable rule with him when he received a complaint against any man to give him an opportunity of answering it; and upon this occasion he had sent a copy of the Petition to the Mayor, requesting him to give him any explanation of the circumstances he might wish; but in the meantime he considered it a case of gross injustice. He had received his statement, and, along with Mr. Clive, he had met the Mayor and Town-clerk, and asked them why they had searched this man? The reply was, merely because he was drunk. He repeated there was no proof that he was drunk, and of the nine names on the card seven had been written to for the purpose of inquiring whether the man had not sold them goods, but no answer was received. There was not the shadow of proof of forgery against the man. Yet he was confined for three months to hard labour on bread and water, without being permitted to see even his wife. He still thought the case one of the grossest hardship, and he did expect to hear from the right hon. the Home Secretary whether he did not disapprove of such proceedings as a violent outrage against the liberty of the subject?

Sir *J. Graham* said, as the hon. Gentleman was not satisfied with the answer given by the hon. Member for Shrewsbury, but called on him to give some explanation of the part he had taken in the matter, he would make a very few observations to the House. To the best of his recollection, the Petition was presented to him by this individual while still in prison. The hon. Member for Montrose was incorrect in stating that parties summarily convicted had no redress, and no opportunity of appeal in case they were wrongly convicted. The Petition was presented to him praying that he would advise Her Majesty to extend to the prisoner the mercy of the Crown, and he referred it to the convicting magistrate, who, as the hon. Member had correctly stated, owed his official dignity to popular election. He was the Mayor of Shrewsbury. The Mayor informed him of the facts of the case, which in every particular corresponded with the statement made by the hon. Member for Shrewsbury. The prisoner was drunk in the Market-place; a police officer went up to him—he was very abusive, and being very abusive and disorderly he was taken into custody. The hon. Member for Montrose said, that was no proof that the man was drunk; but the fact rested on the sworn testimony of the police officer taken before the Mayor and his brother magistrates. When the man was searched at the station-house, a certificate, purporting to be signed by eleven persons who had given him money in charity was found upon him, recommending him as a fit object of charity. Several frauds had been committed at the time in the neighbourhood by a person having a certificate in the French language, and the magistrate, after an examination, was satisfied that the certificate signed by the eleven persons and the French certificate were both written by the prisoner. After an examination, which lasted the whole day, they came to a decision, founded both on sworn and documentary evidence, that the accused had obtained money on false pretences, and they committed him as a rogue and vagabond for three months. This explanation he (Sir J. Graham) had received from the Mayor in answer to his inquiry, and he had come to the conclusion that on the whole the magistrates and the Mayor had arrived at their decision after due caution, and that it was not a case in which he could advise Her Majesty to extend mercy to the prisoner. The prisoner remained in gaol, and then a letter was written to him asking what remedy he had? The term of his imprisonment having then expired he answered, that there was no remedy except a proceeding at law against the magistrates for false imprisonment. He (Sir J. Graham) had formed his judgment on the facts as they were reported to him. He did not neglect the case, but made due inquiry of the magistrates. They sent their statement in reply, and he then believed, and he still believed, that statement, and he further thought that for the sake of justice complete punishment ought to be inflicted, and now he equally thought that this person was convicted upon full testimony and on full examination into the case.

Mr. *Hume* said, there was no other evidence against the prisoner but that of the police-officer.

Sir *J. Graham* said, it was impossible for him in that House to try the case over again. He believed that the Mayor and the magistrates had no interest to distort the facts.

Mr. *Aglionby* understood the right hon. Secretary to say that the man was con-

victed for obtaining money on false pretences. He had yet to learn that a magistrate had the power of summary conviction on such a charge. There must be an indictment tried by a jury before a man could be convicted and sentenced on such a charge. But the right hon. Gentleman had thought fit to say that he considered the magistrates had rightly punished the man in question on that charge.

Sir *J. Graham* must protest against discussing a question of law in that House with all the legal acuteness of the learned Gentleman. But as a matter of courtesy—

Mr. *Aglionby* wanted none of the right hon. Baronet's courtesy. But after what had fallen from the right hon. Baronet on the subject, he wished to ask him the question—not to argue any legal point—whether he rightly understood the right hon. Baronet to approve of the magistrates having convicted this man summarily, on a charge of getting money on false pretences.

Sir *J. Graham* referred to the statement sent him by the magistrates. After repeating the circumstances of Moore's apprehension, it went on to say that papers were found on him at the station-house which turned out the next day to be forgeries. He then referred to the conviction, which was under the 5th of Geo. IV., c. 83, sec. 16, which stated, that "on the 26th day the said Alfred Moore did, in the said borough, endeavour to procure charitable contributions from Mr.—— under false and fraudulent pretences," and that in conformity with that statute he was convicted for so endeavouring to obtain money on false pretences. The right hon. Baronet then referred to the Clause of the Act beforementioned, which after setting forth who should be entitled to bear certificates, enacted that "Every person asking alms or relief under, and by virtue of, any certificate or other instrument hereby prohibited, is liable to be declared an idle and disorderly person as if he or she had no such certificate."

Mr. *Aglionby*: That is not obtaining money by false pretences.

Sir *J. Graham*: No; but what I object to is, trying to crush a conviction by arguments in this House on technical grounds.

Mr. *Wakley*: Undoubtedly; if there was any opportunity of avoiding such an appeal. But to the poor man the Courts of Law were not open, unless he could pay a lawyer. In this case a grievous wrong had been done to this poor man, and it had by no means been lessened by the argument of the hon. Member for Shrewsbury. It was a great perversion of the powers of mind possessed by that hon. Member to endeavour by wit and eloquence in that House to palliate the conduct of these magistrates. The conduct of the authorities had been most reprehensible. This man was apprehended on some offence, taken by the police-officer, and the result was, that he had been sent to gaol. He (Mr. Wakley) had had some experience of gaols, and could assure the right hon. Baronet, notwithstanding all he had done with respect to them, that a sentence even for a short period was equivalent to a sentence of death. Several such cases had been before him—one in particular, which he meant to bring under the notice of the House. It was his conviction that hundreds—nay, thousands—of innocent persons were incarcerated. It was most important that cases of this kind should be inquired into. They were now giving a lesson to all England with respect to the administration of justice, and he asked the right hon. Baronet whether these proceedings were warranted against a man who was apprehended on the charge of drunkenness. [Sir *J. Graham*: No.] Yes; that was the accusation. He was asked for his license, and he produced it; but the officer had first interfered on the ground that the man was drunk in the market-place. Was it lawful on the part of the officer to search the individual and to take his papers? And not only so, but the meddling officious mayor must fain go into a prying, pettifogging, paltry examination of the man's papers, making-up and manufacturing a charge from them, after having stolen them. ["Oh, oh!"] According to the law the man's papers were stolen from him, there being no law justifying their seizure under such circumstances. Was there one tittle of evidence to show that money had been obtained under false pretences? [Sir *J. Graham*: We are not trying the case.] Certainly not; and it is unfortunate the case should be before the House. He trusted that his hon. Friend would see further into the case, and that he and others would aid the poor man with means for bringing his claim before a court of justice. An attempt to bring the case before a court of

justice should certainly have been made before it was mooted in the House. And this being, it appeared, the opinion of Gentlemen opposite, he hoped they would assist in enabling the man to obtain justice.

Motion negatived.

House adjourned.

HOUSE OF COMMONS,

Wednesday, June 5, 1844.

MINUTES.] BILLS. *Public.—Reported.*—Commons Inclosure.

Private.—1°. Gaspé Fishery and Coal Mining Company. 3°. and passed:—Edward's Estate.

PETITIONS PRESENTED. By many Hon. Members (292 Petitions), against Dissenters Chapels Bill, and 79 in favour of same.—By Mr. Bannerman, from Aberdeen, for Legalising Presbyterian Marriages.—By Colonel Pennant, from Etwall, against Union of Sees of St. Asaph and Bangor.—By many hon. Members (71), against Repeal of the Corn Laws.—By Mr. Stansfield, from Yeadon, for Repeal of Differential Duties on Sugar.—By Mr. Shaw from Royal Dublin Society, for Encouragement of Art Unions.—By Mr. Pendarves, from Cornwall, for Compensation (County Courts Bill).—By Colonel Pennant, from Criccieth, in favour of County Courts Bill.—By Visct. Sandon, from Lancaster, and Mr. Stanton, from Stroud, and Mr. Dugdale, from Birmingham, for Alteration of the Poor Law.—By Mr. Thomas Duncombe, from Shipwrights, etc., of Leith, for a Royal Dockyard in Scotland.

INCLOSURE OF COMMONS.] Lord *Worsley* moved the Order of the Day for the House to go into Committee on the Commons Bill. [Order of the Day read.] The noble Lord expressed his regret that this measure should have been postponed so often on account of his illness. He was sorry that many hon. Members had been brought down to the House time after time, in the hope that the Bill would be proceeded with, and should have found, that it was still delayed. On his part, he must assure the House that the delay was altogether unavoidable, and arose from circumstances over which he had no control. He had been, and was still, most anxious to go on with the Bill, for he had received various communications from parties in England and Wales, who expressed the disappointment which they should feel if the Bill were not passed in the present Session, as they, in the hope that it would be carried, had not gone to any expense in its support. He had had communications with Government on the subject of the Bill, and he had ascertained that there were certain parts of it to which the Government would not assent. He had consented to omit many of the parts so objected to, and what he was now desirous of asking the House was, that it would allow him to have the Bill committed *pro formâ*, in order to have some parts omitted, and several Amendments introduced, and when the Bill was thus amended, he would have it printed, and then he would consult with the noble Lord, the Chief Commissioner of Woods and Forests, as to any parts to which the Government might still object. Under these circumstances he did hope that the hon. and gallant officer (Colonel Sibthorp) would wave his opposition to the Bill going into Committee *pro formâ*. In that case, he should not feel it necessary to enter into the reasons which, in his opinion, should induce the House to allow the Bill to proceed. If the hon. and gallant Member should not object, he would assure him, that ample time would be given for considering every part of the Bill in detail. He hoped therefore, that the hon. and gallant Member would wave his objections for the present.

Colonel *Sibthorp* said, that no man had a stronger disposition to oblige the noble Lord who had introduced this measure than he had, but he owned he had great doubts as to how far he would be justified in given up even for a time, his opposition to this Bill. His objections, he must say, existed to almost every part of the Bill, from the Preamble to the last Clause, because he looked upon them as so many encroachments on the rights of a class which he was strongly disposed, and which he thought the House ought to be most strongly disposed to protect. He objected to the whole of the Bill, as most arbitrary and inquisitorial in its character, and if he thought he could get rid of it on this occasion he would most willingly persevere in his opposition to the Speaker's leaving the chair. The noble Lord had asked for further time, in order to go to the Committee *pro formâ*, with the view of expunging certain parts of the Bill to which it appeared the Government objected. The noble Lord said, that he had had communications with Government on the subject, and that it was with the view of meeting those objections that he now asked to have the Bill sent into Committee *pro formâ*. He repeated that he had every wish to oblige the noble Lord, but he should like to know what was the nature of his communications with the Government. He himself had seldom any communications with the Government on

any subject, but he did not think that even the suggestions of the Government would render this Bill such a measure as the House ought to adopt. Indeed, he had on one occasion heard the right hon. Baronet at the head of the Government express more than a doubt as to how far the House ought to assent to it; but to some parts of it as it now stood, he understood the right hon. Baronet to be decidedly opposed. In assenting to the suggestion of the noble Lord, he wished to be understood as doing so only on the grounds which the noble Lord himself had stated. If the hon. Member for Montrose did not object, he would not, for it was his intention to have seconded that hon. Member's Motion to get rid of the Bill altogether.

Mr. *Hume* said, it was not often that the hon. and gallant officer who had just sat down and himself were in accord on any important question, but he assured him that he was most glad of his aid on this occasion. The noble Lord had said, that he wanted time, in order to ascertain how far he could meet the objections of Government to certain parts of the Bill. That was a course which the noble Lord ought to have adopted long before the present time. In his opinion, the Bill had been introduced without due communication with the Government on the subject, and the fact was, that as it now stood, it was most objectionable in many parts, though he would not say in all; but it would require great pruning before it was brought into a shape in which it could pass. The Bill ought to have been brought in at first as a Government measure. It was of too important and too complicated a nature to be carried through by any individual member. It was said, that the measure had the support of Government. He did not think so. At least, that support was by no means an unqualified one, for he had understood the right hon. Boronet at the head of the Government expressly to state, that it might be a question how far the Legislature ought to interfere with a right which established a connexion between large numbers of the poorer classes with the land. There were parts of the Bill which, if passed into a law, would be most injurious to the interests of those classes. It would shut up the scanty limits which now remained for their recreation, and drive them from their greens and commons to dusty roads and narrow lanes. In fact, the Legislature had already done too much to deprive the humbler classes of the means of indulging in ancient and manly sports. He would not object to such a measure with respect to the recreations of the poorer classes as that which had been passed by the Parliament of Scotland in the year 1696. We had as yet done little or nothing for a similar object. On the contrary, we had, by the passing of late years of not less than 2,000 Inclosure Bills, made sad encroachments on the recreation and comforts of the poor. It was true that by many of those Inclosure Bills small portions of land had been allotted to poor parties having rights of common; but the result had been in very many, he might say, in most of those cases, to take from the poor and give additional portions of land to the neighbouring squire; for large numbers who had got those allotments, were not able to bring them into cultivation, and they sold them to some neighbouring land-owner, and thus one great object of many Inclosure Bills was defeated as regarded the poor, and made useful only to the rich. Amongst many of the objections which existed in his mind to this Bill, one was what it gave power to enclose land everywhere, even where land was covered with tide. This would show that the Government had not been consulted on the subject. When he stated his objections to the Bill, he must at the same time admit that it had been introduced by the noble Lord (Worsley) with the very best intentions, and it was therefore with reget that he felt himself bound to oppose it, but there were so many objectionable parts in it, that he did not see how he could give it any support. We had already enclosed almost all the waste or common lands in the country. ["No, no."] Well, if there were any large portions left, let them be parcelled out, leaving in every case where it was practicable a portion to serve as a place of recreation for the humbler classes in the vicinity. Taking this measure as a whole, he did not see how its objects could be carried out. There were, he would admit, many Clauses in it to which he had no objection, but there were so many others that he did strongly object to, that it would be impossible for him to support the Bill as it stood; or as he expected it would stand when it came out of the Committee. The Bill did not propose to do that which

would be its recommendation, namely, to make provision for giving to the people in every locality where it was practicable the means of recreation. Let not the House consent to the principle of shutting up commons and greens against the recreations of the poor. What he would advise the noble Lord to do would be, to withdraw the Bill for this Session, for he might feel assured that the poor in all parts of the country would feel its enactments a sad encroachment on their rights, and would naturally feel discontented at finding the Legislature taking away the little of common land which was yet left to them. He did not know what course the Admiralty would take with respect to the Bill, but even without such knowledge, he would again suggest to the noble Lord to withdraw the Bill for the present Session, and let it be brought in by Government in the next. That would be a much better course than having it committed *pro formâ* now, and again committed in a fortnight hence, for it was his firm belief, that it would be impossible, as at present framed, to make it satisfactory to the people.

Viscount *Sandon* fully concurred in what had been just said by the hon. Member for Montrose, that it would be impossible to make the Bill, as at present framed, satisfactory to the people. There was, as the case now stood, no chance of it. He did think that common lands might with great advantage be parcelled out to the poor, for it did not follow that waste lands should continue to be so for ever; but then they had this difficulty to contend with, as had been observed by the hon. Member for Montrose, that the portion allotted to the poor man who had a right of common would probably be soon absorbed by his rich neighbour. In making such allotment, care should be taken to make adequate provision for the recreations of the poor. He thought that those who had rights of common should have full compensation where those rights were interfered with, but if possible this should be so arranged that the poor man should not lose the benefit of it by having his portion absorbed by his rich neighbour. To get rid of this difficulty he thought the best way would be to have a commission, which should examine the rights of common in every part of the country, so that the rights of individuals might be known. Without this it would be impossible to come at the nature of those rights, and how they should best be compensated where interfered with. Unless such correct information were supplied, the House would not be in a fit condition to legislate on the subject. What he would suggest to the noble Lord would be, to pass his Bill through the Committee *pro formâ*, and when all the amendments which the noble Lord proposed were added, let it be printed and circulated through the country, and it would then be more easy to have it discussed in the next Session. The Bill as it now stood involved many questions affecting the rights and the feelings of the humbler classes. With respect to those classes, he would contend that the commons in the vicinity not only of large towns, but even of villages, should be appropriated as places for their recreation. In some foreign countries the principle was adopted of having portions of land granted to the poor in right of common inalienable. That example it would be well if we imitated in this country. Let there be sufficient time given to ascertain by inquiry what was the nature of the rights to waste lands, and what exceptions ought to be taken with respect either to the purposes of recreation or cultivation.

Mr. *Aglionby* declared that he should be sorry if the noble Lord who had charge of this Bill, and to whom the public were much indebted for his attention to this subject, were to adopt the suggestion of the noble Viscount the Member for Liverpool and withdraw his Bill for another Session. The effect of such a postponement would only be to increase the doubts and perplexities which prevailed as to the alleged rights of the public with regard to waste lands. The result of further inquiry would cause greater disappointment to those who contended for those rights—for disappointment there certainly would be when the question was fully considered. If the Bill was wrong in principle he would rather have it decided upon at once and put an end to. But, so far was he from thinking that was the case, that he believed the Bill would protect the interests of all parties. The noble Viscount and himself could never meet upon this subject—they were proceeding in parallel lines and could come to no agreement. The noble Viscount contended for some mysterious and undefined rights which he wished the House to respect. The hon. Member for Montrose thought that all the

poor of the kingdom had a claim upon these waste lands; and that the poor man had an inherent right to them. Well, then, if these waste lands were public property, why should they not be made available for the public benefit? To such a proposition he never could agree. It was well known that certain persons had a title to these lands by law, subject to certain modifications and conditions—a title as good as that of the hon. Member for Montrose, or of any other hon. Member, to his estates. They were originally granted to lords of the manor, not for their own benefit, but for the benefit of those who held lands within the manor; and those rights were so well defined that it was not possible for any one to put even a cow to graze upon such lands unless he could prove his right. The rights varied on different manors, because custom had interfered and established practices not warranted by the original grants. It would be better if they were controlled and managed by some commission—by some responsible party, as proposed by the noble Lord's Bill. What would become of the rights which the hon. Member for Montrose supposed the poor to possess if the lord of the manor and every tenant were to agree to inclose waste lands without coming to that House? In what condition would the poor be then in reference to these waste lands? If the poor had rights, they ought to be inalienable; they ought to be protected. The House had declared itself in favour of providing space sufficient for the recreation of the inhabitants of the neighbouring town; but in doing that, they did not that which was a matter of law, but of amicable arrangement. Therefore the House had told parties that if they came to the Legislature for such an object, certain conditions would be imposed. That was the view which the House had always taken of such cases. If the noble Lord did not mean that to be one principle of the Bill, he would surely alter it; for it was not his object to give larger rights than at present existed, and those would be placed on a much better footing if they were protected by an Act of the Legislature. Inclosure Bills had been introduced heretofore and passed without discussion; and no one could tell how many persons had suffered in their interests and rights by the interference of those Bills. Certainly those Bills had been referred to Committees up stairs, but every one knew how those Committees were generally conducted. They were attended only by hon. Members who were interested in them, being lords of manors; and the rights of the poor, though they might be talked about, had frequently been taken away under that system. Under this Bill a much greater control would be exercised over commons and waste lands; initial proceedings must be taken, and before they could be put in force application must be made to the Commissioner, who would have great controlling power, and he apprehended that the Commissioners, being appointed by Government, were not likely to be persons totally regardless of the rights of any party. A second safeguard process would be established, a new right recognized, and a new power of veto given, which never existed before. Now, with regard to the advantages of this Bill, he thought they would be very great to the poor; for his hon. Friend the Member for Montrose would not deny that the more food was produced in this country the better for the people, and therefore, the more land was made available for that purpose, it was *pro tanto* a benefit to the people. Although much land had already been inclosed, there were hundreds and thousands of acres still uninclosed, which might be made extremely productive and much more valuable than they were at present. He knew an instance of an inclosure in Cumberland, which had been of great benefit to the poor in finding employment during the winter for them in fencing, and draining, and planting, which they would have been without. The whole neighbourhood of Commons might be made more salubrious, if the swamps were drained, and the lands improved and cultivated. That had been proved in the case of a swampy waste adjacent to Cockermouth, over which it was formerly impossible to walk. In his opinion a Commission of Inquiry would be a useless waste of time. The measure was not now to be left to any individual Member of the House. However highly he might appreciate the talents of the noble Lord, his good intentions, and his desire to regard the rights of the people, yet he was glad that Her Majesty's Government, though they did not take the Bill in charge, would give the noble Lord the benefit of their advice and assistance. That being the case, what would the public have? The Bill had been brought in by a noble

Lord who was a most zealous protector of the rights of the poor, and therefore there was no fear of any infringement of their just rights—just rights he said, or of any rights that might be reasonably allowed; for he would never be a party to maintain all sorts of idle claims. He admitted that there were many large towns to which the adjacent commons were of great advantage, and he would therefore have it laid down in the Bill what commons or waste lands should remain untouched. He hoped the noble Lord would proceed with his Bill, and that the House would not stop its further progress.

Mr. *H. Berkeley* said, the hon. Gentleman had talked much of the protection which this Bill would give to the poor, but it appeared to him that the alleged protection would be of a very negative description. For, to whom were the poor consigned by it?—to whom were the old cherished rights and privileges of the poor entrusted? Why, to a Commission of Three, armed with plenary and arbitrary powers, such as were never given to any Commission before. Was he to be told that the people were to have all their rights depending upon a Commission like that? He must say that they would not be doing their duty to the country, and to the poor, whose interests they were bound to protect, if they agreed to give up those rights to a Commission like that. When the Bill was introduced last Session there was a very small division against it, but at a subsequent stage, the country having in the meantime become acquainted with its provisions, the opposition to it became so strong, and so general, that the noble Lord withdrew it. This Bill which the noble Lord now introduced was, however, nothing more nor less than the ghost of the former Bill, and it was as all ghosts had been represented to be—more disgusting in its second appearance than its first, and more objectionable in the character of its provisions. This Bill, in its present shape, was strenuously and vigorously opposed at its second reading by many hon. Members, and it was "damned with faint praise" by its supporters, every one of whom qualified the support which he gave to it by a "but" or an "if". Some said that they would support the second reading of the Bill, "but" it should be altered in Committee; others gave their support to that stage of the Bill, saying, however, that "if" they did so they expected certain portions of it to be amended at a future stage. He believed that it would not have passed the second reading this Session if it had not been for the right hon. Baronet, the Member for Tamworth, and what that right hon. Baronet said in its support was more remarkable than any other speech for the number of "buts" and "ifs" which it contained. Many of the right hon. Baronet's supporters admitted that it was a bad Bill in the shape in which it then was, but they expressed a hope that it would be altered in the Committee, and the second reading was agreed to only as a reward for the industry of the noble Lord who introduced it. Was there ever such a reason given for agreeing to the second reading of an important Bill? The noble Lord might have bestowed a good deal of industry upon it, but were there not other industrious Members in the House—was there not the Member for Montrose, and his hon. Friend who sat near him, and why was the industry of the noble Lord rewarded any more than their industry? The right hon. Baronet who supported the second reading of course carried such weight with his approbation that the second reading was agreed to. He complained of the Bill for its arbitrary and inquisitorial character, and for its proposal to give to a tribunal to be appointed by the Bill, a power to interfere with the rights which had never before been similarly interfered with. There was one clause which considerably extended the rights of the Bishop, and proposed to take power away from the patron of the living, and he was opposed to such a provision. The Bill was in fact an attempt, by means of a measure of this kind, to palliate the evils which had been brought upon the country by the Corn Laws. It was said, forsooth, that it was desirous to give employment to the poor, and increase the quantity of productive ground, by inclosing those commons; but if that were so desirous, why did not the noble Lord propose to deal similarly with the parks of the rich as well as those in which the poor had an interest? It appeared from a calculation which had been made, that if all the parks and ornamental grounds in the country belonging to the nobility and gentry were cultivated, an immense amount of produce would be the result, and a great number of persons would be employed. Far be it from him (Mr. H. Berkeley) to

advocate any such recommendation as the cultivation of those parks and ornamental grounds; but if the parks of the rich were not interfered with, and very properly were not interfered with, why, he would ask, should they interfere with those commons which belonged to the poor? Why should they take from the poor man's child the means of enjoying his miserable and humble amusement? Let them recollect that the wild flower which the poor man's child gathered upon the common was as valuable to that child as the richest rose or violet which the child of the rich man plucked in the best arranged garden. Why should they deprive the child of the poor man of the power any longer to breathe the pure air of heaven and drive him to play on the road side, where he was obliged to swallow the dust from the wheels of their carriages? He would ask the hon. Members for Bath, if they were present, whether they would like Lansdowne and Claverton-down to be inclosed under this Bill? He would ask the Members for Middlesex if they would be contented to have Hampstead Heath inclosed under the operation of the Bill, or if they would wish to see Clapham and Kennington Commons inclosed under it? Let them recollect the advantages that were derived from Clapham, and Hampstead, and Kennington Commons. Many a poor clerk who was employed in the confined air of the City during the day was enabled to breathe the pure air of Hampstead at his residence during the night; and would hon. Members wish to see such men deprived of that advantage —would they wish to see that fine wild heath given up from its present state, to be enclosed and covered with a parcel of stinking cabbage gardens — to have it given up to those who might employ in the cultivation of the most horrible manures, and taint the free air of heaven which passed over the gardens? Why should they deprive the poor man of those rights which it was their duty to secure to him? He confessed, for his own part, that he should be extremely jealous of any interference with the downs in the vicinity of Clifton. He knew the lord of the manor was fond of agricultural pursuits; but if he took away those downs from the people of Bristol and Clifton, and turned them into cultivation, he would find that all his guano, and his other newly invented manures, would be looked upon by the people of Bristol and Clifton as a poor compensation for the pure air which they can now inhale upon the downs. He hoped the House would reject the Bill of the noble Lord; but if the noble Lord brought in a Bill which would not interfere with the rights of the poor, as this Bill proposed, it should have his support. He hoped this Bill, however, would not be agreed to by the House.

Lord *J. Manners* said, that there did not appear to be any desire upon the part of the noble Lord who introduced the Bill to inclose the commons in the neighbourhood of all the large towns. Indeed, there was rather a desire to prevent them from being inclosed, but under the present law, it was possible that such a thing could take place. He would instance Hampsted-heath, which had been alluded to by the hon. Member who had just sat down, and which, under the present state of the law, it was proposed to inclose. There was a power under the existing state of the law to inclose Hampstead-heath, and he agreed with the hon. Member for Montrose, in his remarks upon the mode of dealing with the subject by private Inclosure Bills, for it was impossible to watch their progress, and therefore in order to put an end to such a state of things, he would support the measure of the noble Lord, which was calculated in his opinion to give a greater security to the rights of the poor than they enjoyed at present. He thought that when the rights of the poor were protected by Gentlemen whose actions were all prominently before the public eye, as the Commissioners under this Bill would be, they were more likely to be properly cared for than at present. Those Gentlemen's acts would be liable to constant scrutiny and examination, and they would he liable to removal if they did not satisfactorily discharge the duties which would devolve upon them. He thought, that under such circumstances, they would be likely to discharge the duties which affected the rights of the poor in a more satisfactory manner than an irresponsible Committee of the House of Commons. He had heard, he would admit, a great number of "ifs" and "buts" in the speeches of hon. Members with respect to the Bill, but they had very little weight with him. He rejoiced to perceive that Her Majesty's Government had turned their attention to the subject, which he agreed with the hon. Member for Montrose

in thinking it was of the greatest importance to the country. He thought that it was more desirable that this subject should be brought to a satisfactory issue than many of the matters which had been brought before their attention since he came into Parliament, and which had been often discussed at inordinate length, and he must say, that he thought the country owed a debt of gratitude to the noble Lord who had taken the matter up, and who, by his great attention to the subject, and his exertions to carry out the measure, had at length induced the Government to give to it that consideration which a subject of so much public importance deserved. He approved highly of the Bill, and he rejoiced that the noble Lord had consulted with the Government on the subject, and that they had agreed to take the course which was stated with respect to it.

Colonel *Wood* said, that the hon. Member opposite (Mr. H. Berkeley) appeared to be under a misapprehension with regard to Hampstead-heath. He (Colonel Wood) could assure the hon. Member that he was quite satisfied any attempt to press the inclosure of Hampstead-heath on the House would be altogether vain. He was of opinion, that it would be a bad system to allow inclosures to take place, without requiring the parties who were desirous to undertake the inclosures to come before Parliament and state their case. That was a system which was well calculated to protect the interests and rights of the public. He believed that there were many wastes and commons in the country, the inclosure of which would be so much facilitated by this Bill, if it passed into a law, that they could not be kept open after its passing; and he could not help thinking that many Gentlemen were inclined to look favourably on the Bill in consequence of that circumstance, as they thought that many pieces of common might be inclosed after the passing of the Bill which could not at present be inclosed. It was objected against Inclosure Bills under the existing law, that the expense of such Bills was very considerable, but to that he (Colonel Wood) should answer, that if the wastes or commons were worth inclosing, they were worth the expense of a Bill. The fees it was said were large, but they were not so large as for other Bills; the costs in that way amounted to about 300*l.* for an Inclosure Bill; and if any inclosure were not worth incurring the expense of 300*l.* in obtaining the Bill, then the common ought to be allowed to remain open altogether. There were other expenses connected with the passing of such Bills which he should like to see reduced, but this could be done by appointing a Board for auditing the accounts, and thus removing just causes of complaint on the ground of expense. He approved of the principle of obliging parties, who were anxious to have an Inclosure Bill passed, to come before Parliament to make out their case. He had, on one or two occasions, to watch the progress of Inclosure Bills with a view to protect the rights of the poor in the Principality, and he believed that the progress of Inclosure Bills through the House afforded a very good opportunity for defending the rights of the poor. They all knew how easy it was to make it appear that many parties who were interested in the matter were anxious to have commons inclosed, but in such cases they ought always to recollect the very great interest the poor in the neighbourhood had in such a common—a poor man might feed his goose or depasture his ass upon the common; and it must appear to him a great hardship to have that advantage taken from him. If the Bill now before them passed into a law, he could not see that any of the real difficulties of the case would be removed. There would be, after the passing of this Bill, just as much expense and as much difficulty in protecting the rights of all the individuals who might be affected by a large inclosure as at present. He had seen the bad effects of such inclosures, but one in particular; he remembered the forest of Brecon, in which 40,000 acres were assigned to that purpose, 10,000 acres to defray the expenses, 15,000 assigned to the Crown, and 15,000 sold, the latter 15,000 having been disposed of for 15,000*l.*; and he could assure the House that it proved a ruinous speculation for those who embarked in it. He was opposed to the Bill in its present shape, and he should support the hon. Member for Montrose if he went to a division.

Mr. *C. Buller* could not conceive how there could be any difference of opinion amongst hon. Members as to the advantage which must necessarily be derived by the public, from the cultivation of many wastes in the country, nor could he

see how any one could suppose such an addition to the wealth of the nation could possibly be injurious. It was well known that there were throughout England, but especially through the South of England, great quantities of good land waste and uncultivated, and they were waste not from any deficiency of productive power —not from any inferiority of the land to the cultivated land in its neighbourhood; but because the commons tenure prevented it from being inclosed. [Colonel *Wood*: Such land might be inclosed under the existing law.] He remembered a circumstance which showed how those who were interested in the commons often perceived the disadvantage of having such land lying waste. There was a common in Cornwall, in which the poor in the neighbourhood had for years fed a few geese and starved some jack-asses, and the poor people who were interested in the subject were so impressed with the advantage which would arise from inclosing it that they applied to the corporation of the borough, near which the common was situated, to assist them in taking proper measures for inclosing the ground, in order that they might have the advantage of employment upon it. The matter was discussed, and it was agreed that the inclosure of the common, which was only seventy or eighty acres, would be advantageous; but it was found that in consequence of the uncertainty of the rights of common, the inclosure could not be effected without an enormous cost in comparison with the value of the land. It was important, he admitted, to consider not only proprietary rights, but to consider also the right of persons to enjoy healthful recreation on the commons; however, it seemed a rude and clumsy way of meeting the question to say, that there ought to be no inclosure in the neighbourhood of large towns, and he was of opinion that it would be a great advantage to place the subject of inclosures under the cognizance of a different body from that before which they were brought according to the existing law. He was convinced that it would be most advantageous to refer such matters to Commissioners, such for instance at the Tithe Commissioners, who would be enabled to carry on the necessary inquiries more efficiently and more cheaply than under the present system. That would be not only more advantageous to the public, but would be far more satisfactory to the parties concerned than the present system of trusting to all the chances of party or personal opposition. It would be far more advantageous to have a Commission which would make all the necessary inquiries, and report upon them. To take away the inquiry from the House of Commons and refer the subject to Commissioners, would be a very great improvement as regarded every one concerned, for those who were desirous for the inclosure, for the interests of the public, or for the rights of the poor. The hon. and gallant Colonel opposite said that it would be disadvantageous to the public to take away the control from those Bills which Parliament at present exercised. Now, with regard to Hampstead-heath, and all the other commons in the vicinity of London, where the right of the public to walk and enjoy healthful recreation were concerned, he (Mr. Buller) thought those rights might be safely entrusted to the Commissioners. He should certainly like the House of Commons to have some control; for although he believed the Commission, as proposed by the Bill, would be a cheaper and more efficient system than that which is now in operation, it would be still of advantage to the public that the Parliament should not be deprived of all voice in the matter. Suppose they adopted the principle of the Ecclesiastical Commissioners, who made most important inquiries with regard to Church affairs. They had no legislative power, but they reported to the House and the Government what they wished to have done, and that was adopted if approved of. The recommendations of the Commissioners might be embodied in general Inclosure Acts and agreed to. Under the system which he would recommend there would be afforded a full opportunity to the friends of the poor of defending their interests in Parliament, whilst there would be a great benefit derived from a cheaper mode of proceeding than that which is at present in existence. He trusted the House would not refuse their assent to the further progress of a Bill which was of great importance to the country, for they would not be doing their duty to the public if they consented, in a rough and summary way, to throw it over, and sacrifice without inquiry, all the advantages that it was calculated to produce.

Mr. *Miles* said, that his noble Friend

was desirous merely to commit the Bill *pro formâ*. It was a Bill of the utmost importance to the country, either for good or evil, and they ought to allow it to pass this stage in order that they might see what alterations would be proposed by the Government, after which they could determine whether they would agree to the Bill or reject it. He (Mr. Miles) had not the slightest doubt that the Bill would, if carried into a law, confer the greatest benefit upon the country. He had no doubt that if the Bill passed, the rights of the poor would be strictly preserved; and there were a large body of Members who were determined, that if the Bill went through Committee, all the proper and just rights of the poor, and even more than strictly those, should be preserved. He would not vote for the Bill if it were not calculated to guard and protect the rights of the poor, and he was satisfied that his noble Friend who introduced the Bill entertained similar views. It would, if carried into effect, give employment to a large number of persons, and would thus confer an important benefit on the poorer classes. He hoped the Bill would be sent to the House by the Government in such a shape as to obtain general approval.

Mr. *Warburton* asked, if Hyde-park were in the condition of Southampton-common, would it be of as much advantage and productive of as much enjoyment to the people as it was at present? When land was drained, inclosed, and improved, it need not necessarily be less advantageous to the people, but might be in fact more so, provided that their rights of pasture or of passage were reserved. In that case, inclosure would be the reverse of a public injury; more especially as the value of the land would be greatly enhanced by the increase of the produce of the soil. Much was said of the desirability of establishing parks for the people; what more was requisite for this purpose than the enclosure of land at present, perhaps (like Wimbledon-common, for instance), partly swampy, and converting it into capital pasture, reserving to the people their existing privileges? With such reservation, a measure of public inclosure might be beneficial; and it was to be regretted that the enormous fees of Parliamentary proceedings on Private Bills obstructed inclosures at present.

Mr. *Hume* intimated that the going into Committee being merely *pro formâ*, he would not divide.

Bill went through Committee *pro formâ*, and was ordered to be re-committed.

House adjourned at a quarter past seven o'clock.

HOUSE OF LORDS,

Thursday, June 6, 1844.

MINUTES.] BILLS. *Public.*—1ª. Copyhold Enfranchisement Amendment.

Reported.—Gold and Silver Wares; Assaults (Ireland).

Received the Royal Assent.—Customs; Stamp Duties; Factories; Bailiffs of Inferior Courts; Edinburgh Agreement; West India Relief; Courts Martial (East Indies).

Private.—1ª. Croydon and Epsom Railway: Birkenhead Docks; Preston and Wyre Docks; Taff Vale Railway; Lakenheath Drainage.

2ª. Willenhall Chapel Estate (Fisher's).

Reported.—South Devon Railway; Bleddfa and Llangunllo Inclosure; South Eastern Railway; European Life Insurance Company; Hythe Landing Place (Hants); Whitehaven and Maryport Railway; Salisbury Branch Railway; Cwm Celyn and Blaina Iron Company; Sheffield United Gas; Manchester Royal Infirmary.

3ª. and passed:—Irvine's Estate.

Received the Royal Assent.—Lancaster and Carlisle Railway; Blackburn and Preston Railway; Maryport and Carlisle Railway; Northern and Eastern Railway (Newport Deviations); Salford Improvement; Birkenhead Improvement; Leeds New Gas; Globe Insurance Company; Haltwhistle Inclosure; Farrington and Cwmgilla Inclosure; Rodbard's Name.

PETITIONS PRESENTED. By Bishop of Winchester from Rochester, and 5 other places, against the Union of St. Asaph and Bangor.—By Lord Campbell, from Cavan and 3 other places, for Legalising Marriages Solemnized by Presbyterian and Dissenting Ministers in Ireland.—By Earl Fortescue, from Moreton Hampstead, and Honiton, in favour of the Dissenters Chapels Bill.

SIR T. M. WILSON'S ESTATE BILL—HAMPSTEAD HEATH.] The Earl of *Egmont* moved the second reading of Sir T. M. Wilson's Estate Bill, and he regretted to learn that the Bill was likely to meet with considerable opposition. The object of the Bill was to enable Sir T. M. Wilson to dispose of certain parts of an estate which he had inherited under the will of his father at Hampstead, for the purpose of investing the purchase money in landed property elsewhere. It was said, that the Bill would interfere with certain provisions of the will of Sir T. Wilson's late father, but he could not conceive on what grounds such opposition could be raised, as the parties interested under the will were anxious to have the measure passed. On inquiry at the Private Bill Office, he learned that thirty Bills of a similar nature had passed that House and received the sanction of the Legislature, within the last ten years. None of the objections which he had heard alleged against the Bill ought, in his opinion, to prevent it from passing.

Lord *Denman* said, it gave him great pain to be obliged to oppose any Bill brought forward by a Gentleman with reference to the disposal or appropriation of his own property. This, however, was a very peculiar case, and he thought it quite impossible for their Lordships to agree to this measure on any of the reasons advanced in support of it. For all that appeared before their Lordships, this Bill was a material interference with the provisions of a will which conferred these estates on Sir T. M. Wilson under certain restrictions; he had taken the property under that will; and, whatever that will required—whatever burthen it imposed—it was right that it should be borne by the party who held under it. When, formerly, in another shape, that Bill was brought a second time before their Lordships' House, a noble and learned Lord emphatically said, "If we pass it, it is making, in Parliament, a will for a man after his death." It was not making a will for a man who had made no will himself—for Sir Thomas Wilson did make a will; but it was a direct overruling and altering of the intentions of the testator in making this will, and giving that estate to its present possessor, under certain restrictions. Sir Thomas Wilson, in his will, dated the 3rd of September, 1806, directed that no person who came into possession of the Hampstead estate should be able to lease it for a longer term than twenty-one years. This might be inconvenient to the new possessor, but the late Sir Thomas Wilson came deliberately to that conclusion, and it was proper that his direction should not be contravened. That he came deliberately to that conclusion was proved by the 9th codicil to his will, by which it was provided that his heir should be empowered to grant leases of the Charlton property in the county of Kent for sixty-one years. In the one case he clearly intended that no building leases should be granted; but in the other he gave the power of granting such leases to his son. It was said, that it was not meant, by the instrumentality of this Bill, to inclose Hampstead-heath; and he agreed that such was the fact, looking to the common meaning of the word "inclosure." The heath would not be divided into small and minute portions, it was true; but the Bill would give the power of granting to any builder, for building purposes, 400 acres of land—of that land, be it remembered, which now made Hampstead such a healthy and happy place—where thousands of persons from the metropolis daily enjoyed themselves during the fine period of the year, in a manner which they could not do elsewhere. Surely that consideration ought greatly to outweigh any small advance in value—any small improvement, in a pecuniary point of view—that might be effected by devoting the ground to building purposes. The copyholders, too, would be greatly annoyed by the proposed disposition of the property. At present they enjoyed a most beautiful view, open to Harrow, open to the west. But, if this Bill were passed, they would soon have a row of houses bounding their view, and surrounding these 400 acres. They would also have the various annoyances arising from gas-pipes, water-pipes, and various other obstructions. In the course of a very few months after the passing of this Bill such would inevitably be the case. It might be alleged, that the restrictive clause in the will was unjust and unreasonable. For his part, he considered that it was most just and reasonable; and he hoped that Parliament would not come in, and with a high hand set it aside. In his opinion, they would be weakening the security of their own property, if they interfered with that will. The restrictions in this case, formed a positive condition, under which the present Baronet held this estate; and to interfere with it would be to plant the root of a great evil to the enjoyment of property in this country. This proceeding had created much anxiety in the minds of a vast number of persons in the metropolis; for who was there amongst them that had not, at one time or another, enjoyed himself in that beautiful locality? If this Bill were carried, the copyholders would have just right to complain, that by an *ex post facto* law, they were deprived of certain benefits for which they had fairly bargained. He hoped their Lordships would view this Bill in the same light in which it had been viewed by his (Lord Denman's) noble and learned predecessor (Lord Tenterden) and by Sir N. Tindal, the present Lord Chief Justice of the Court of Common Pleas, and refuse to sanction it. Under all these circumstances, he felt it to be his bounden duty, though with great reluctance, to move, as an Amendment, "That

the Bill be read a second time that day six months."

Lord *Colchester* said, he should support the second reading of the Bill; but he did not mean to argue the legal points connected with it. The noble and learned Lord opposite had rested his opposition on three grounds—1, that the Bill interfered with the will of the late Sir T. Wilson;—2, that it was unjust towards the copyholders;—and 3, that it deprived the public of certain rights. These, he conceived, were proper points to be considered in Committee. He only asked their Lordships that they would allow this Bill, as they would allow any other such Bill to go before a Committee—that impartial tribunal where its merits might be fairly judged of.

Lord *Campbell* said, he was wholly unacquainted with any of the parties concerned, either for or against this Bill, and he could therefore have no bias in the matter: but looking at it calmly and dispassionately, he must express it as his humble opinion that the Bill ought not to pass. By adopting such a course, and throwing out the Bill, he could not see that any hardship was inflicted upon Sir T. Wilson, who at present clearly enjoyed all the benefit that his ancestor ever intended him to enjoy. Whatever the law gave him he had, and he now called for the special interference of the Legislature to give him powers which by the law, and of right, did not belong to him. Whilst, however, the rights of Sir T. Wilson would not be interfered with by refusing this Bill, the passing of it would very materially interfere with the rights of the copyholders, whose property it would depreciate some 30 or 40 per cent.—the effect of the Bill in reality would be merely to add to the property of one man, and to diminish the value of the property of others. The noble Lord last Session introduced a Bill of precisely the same nature as the present, the only difference being that that Bill proposed to do directly what this Bill proposed to do indirectly. The Bill of last Session was at the time fully discussed, and subsequently withdrawn voluntarily by the noble Lord who introduced it. Yet this Bill was the same Bill under another shape. He thought it would be an extremely dangerous precedent if they allowed this Bill to go into Committee; and he therefore called upon their Lordships not to allow it to be read a second time.

The Earl of *Wicklow* could see no reason whatever why Sir T. Wilson should be treated in a different manner from any other claimant suing to that House. The noble Lord who introduced the Bill had stated, that within the last ten years not less than thirty similar Bills had received the sanction of their Lordships; and why, then, should not this Bill be treated in a similar way? He did not at all agree with the argument that they should deprive one individual of privileges enjoyed by others, because by adopting a different course they might somewhat trench upon some supposed advantages to be derived by the public. He thought, at any rate, that the Bill should be allowed to go into Committee, where its merits could be fully discussed, and much more advantageously than they could be upon the second reading.

The Earl of *Mansfield* said, this was the fourth time that this Bill had come before the House. In 1826, the Bill was rejected by a considerable majority; the same arguments were used then as were used now, and he certainly could see no ground for reversing the decision then come to. It was very well, if they objected to the details of a Bill, to alter those details in Committee; but when they objected altogether to its principles, it should not be allowed to enter into Committee. He (the Earl of Mansfield) was possessed of property in the neighbourhood of Hampstead Heath, part of which was copyhold, and he confessed that he looked upon this Bill with considerable interest. It was, however, interesting not to him only, but to a hundred other copyholders in the parish of Hampstead, whose property, he believed, it would depreciate in various degrees, from 30 to 50 per cent., and who, he believed, were unanimous in their opposition to this Bill.

Lord *Cottenham* certainly should not like to see Hampstead-heath covered with houses, neither did he think that such a result was to be apprehended from the passing of this Bill. He would caution their Lordships, that if they capriciously refused to one individual what they granted to others, they might lose that character for impartiality, and of dealing out equal justice to all, which it was so essentially necessary for the Legislature to maintain. The fact of the testator having in certain codicils attached to his

will declared that upon some of his property building leases might be granted, and not having made that provision with regard to other portions of his property, did not afford any argument that it was the testator's desire that on those other portions building leases should not be granted. A portion of the argument against the present Bill had been founded on the assumption that Parliament had no right—that was to say, it would be inexpedient and unjust for Parliament—to grant to any person the power of building on his own land, if such building shut out the prospects or interfered with the pleasures theretofore possessed by the owners of the adjoining lands. Their Lordships well knew that doctrine such as that would not stand for a moment in any Court of Justice. He presumed there was no noble Lord then present who was not conversant with the practice of enabling ecclesiastical persons to grant leases quite irrespective of the probable effects of such powers upon the amusements or gratification of those who possessed adjoining lands.

Lord *Brougham* said, that his noble and learned Friend (Lord Cottenham) argued the case as if his noble Friend (the Lord Chief Justice) had brought in a Bill to restrain a legal right—to sell or lease an estate of which Sir T. M. Wilson was tenant for life, whereas the very fact of being tenant for life prevented the possibility of any sale or exchange. The inference in this case was, that as the testator gave a power of leasing estates in Kent, that he did not wish that power to extend to the Hampstead estate. He was surprised that his noble and learned Friend did not feel the objection of enabling Sir T. Wilson to do that by Statute which he could not under the will of his father, and what was manifestly to the injury of third parties. The rights of the tenant in tail were also involved, and a wrong might be done to him, inasmuch as he might, if he ever were *in esse* (there being no tenant in tail at present), prefer the preservation entire of the estate of his ancestors. He should vote for the Motion, as he saw no use in the Bill going before a Committee. It was clear that its object was now to obtain indirectly what former Bills sought directly.

Lord *Cottenham* added, in explanation, that if the tenant for life had not the powers which were necessary for enabling him to turn his property to the best account, and that he came to Parliament and asked for those powers, they ought to be given to him. Such powers could not with any show of justice be refused to Sir Thomas Wilson, when they had been freely granted to so many others. They surely could not be refused on account of any supposed interests of third parties.

Lord *Denman* said, that the mere granting of an estate for life carried with it a prohibition of the exercise of any further powers. They were surely not to pass this Bill because the testator had omitted, and very properly omitted, to insert in his will any prohibition.

The Earl of *Egmont* said a few words in reply.

Their Lordships divided :—Content 20, Not-content 31 : Majority for the Amendment 11.

The Bill is consequently lost.

House adjourned.

HOUSE OF COMMONS,

Thursday, June 6, 1844.

MINUTES.] BILLS. *Public.*—2° Dissenters Chapels; Sugar Duties.

Reported. — Limitation of Actions (Ireland).

3° and passed :—Forestalling, etc. ; New South Wales, etc., Gyvernment.

Private.—3° and yassed :—Croydon and Epsom Railway; Taff Vale Railway; Lakenheath and Brandon Drainage; Nottingham (West Croft Canal) Improvement.

PETITIONS PRESENTED. By many Hon. Members (737 Petitions), against the Dissenters Chapel and 66 in favour of same.—By several hon. Members (16) for Legalising Presbyterian Marriages (Ireland).—By several Hon. Members (5), against Union of Sees of St. Asaph and Bangor. —By Mr. Thomas Duncombe, from P. A. Latour, for Inquiry.—By several Hon. Members (8), against Repeal of the Corn Laws.—Mr. Thornhill, from Hants, for Repeal of Stamp on Hailstorm Insurances.—By Lord John Russell, from Lightermen on the Thames, for Alteration in Mode of Levying Timber Duties.—By Mr. R. Richards, from Merioneth (2), respecting County Courts Bill.—By Lord J. Russell, from Sir I. L. Goldsmid, for Alteration of Factories Bill.—By several hon. Members (5), for Alteration of Poor Law.

BANK CHARTER—CURRENCY.] Mr. *Muntz* wished to put a question to the right hon. Baronet at the head of the Government connected with the subject of the Bank Charter. He wished to know what would happen in consequence of there being such an export of gold as would render it impossible for the Bank to pay its liabilities in gold, and thereby affect the circulation of the country ?

Sir *R. Peel* said, he would rather decline answering such questions, which were merely speculative, and the answers to which could not tend to any practical result. It would, he thought, be much

better to reserve those points of detail until the general discussion on the Bank Charter question. The intention undoubtedly was, that any demand on the Bank would be paid in gold if desired. It would have the power of issuing notes to the amount of 14,000,000*l.* on securities, and might diminish that issue to 11,000,000*l.*, the amount of the Government debt, if it should be necessary. The Bank had the complete control over the 3,000,000*l.*, but if the 11,000,000*l.* of Government debt should be required by the Bank, the Government would have no difficulty in raising the means to pay it off. He, however, by no means anticipated such a contingency as that which had entered into the speculative mind of the hon. Gentleman. He could only repeat that all demands on the Bank must, if desired, be paid in gold.

Dissenters Chapels Bill.] On the Order of the Day for the second reading of the Dissenters Chapels Bill,

The *Attorney General* (Sir W. Follett) said, that in moving the second reading of the Bill, he should endeavour to state to the House, as shortly and as clearly as he could, the objects which were intended to be affected by it; and he was the more desirous to do so, as he was perfectly satisfied, from the language that had been held out of doors with regard to this Bill, and from the nature of many of the petitions which had been presented against it, that there existed some great misapprehension on the subject. Petitions had been presented against the Bill from various denominations of Christians—some of them from Dissenters who claimed to have an interest in the property with which the Bill proposed to deal, stating that they felt aggrieved by it, because, if it were not for its provisions, they would be entitled to the property which the Bill was intended to appropriate. He would endeavour to deal with these allegations in the course of the remarks with which he should have to trouble the House. There were petitions too, from the Wesleyan Methodists. Now, he could not see any provision in the Bill which could in any manner affect the property of the Wesleyan Methodists, and he did not believe there was anything in it which could affect either their chapels or their property. There were also petitions against the Bill from members of the Church of England, although it was quite clear that the property of the Church of England could not, in any manner, be affected by a Bill which applied only to Dissenters' Chapels, and they could, therefore, in that respect, have no interest in opposing it. With regard to the Bill itself, it would be of very great advantage in preventing a great deal of ruinous litigation, and in that respect it must be highly beneficial in its operation. There was one case to which, in reference to this effect of the Bill, he would direct the attention of the House—the case of Lady Hewley's Charity, which had now been in litigation for fourteen years, and at the end of that period, there had been one of the points raised in it, and only one, settled, while the costs of the suit amounted to such a sum as seriously to affect the property of the Charity. The point which had been settled by a decision of the House of Lords was, that Unitarians were not entitled to the benefit of that Charity, nor were the members of the Church of England entitled to it. But after a litigation for fourteen years, and after the outlay of so much of the funds of the Charity in costs, it was at this moment as much a matter of dispute what class of Dissenters were entitled to the benefit of that Charity as it was when the suit was instituted fourteen years ago. He did not know whether hon. Gentlemen were fully aware of the position in which the case now stood. The litigating parties had not been content with litigating the Charity in the Master's Office, but an information had been filed by the Independents against the Presbyterians, alleging that the Presbyterians do not agree in doctrine with Lady Hewley, the founder of the Charity, and are no more entitled to the benefit of it than the Unitarians. This litigation might probably last another fourteen years if the funds of the Charity should be sufficient to carry it on, before any decision would be given. It must, therefore, be evidently of great advantage to those interested in foundations, established for the benefit of Dissenters, to have such grounds of litigation put an end to. At the same time it was clear from these disputes, that the Members of the Church of England had no pecuniary interest in the measure. But there had been petitions from the Wesleyans, and from Members of the Church of England, not founded on objections as to the matter of property, but on matters of conscience.

Now, he had every respect for the conscientious feelings of the Wesleyan Methodists, and for those of the members of the Church to which he himself belonged, for the feelings which had induced them to present petitions against any Bill likely to foster any faith of which they disapproved, and hostile to that which they professed; but he could not help thinking that their present opposition came too late. It was now too late for them to stop and inquire whether the Legislature had acted wisely or not in extending to all Dissenters a complete system of toleration. That spirit of toleration had been the spirit of the legislation of this country for some years; that was the spirit of the Bill of 1779, which relieved Protestant Dissenting ministers from a declaration of belief in the doctrinal articles of the Church of England, and that was the spirit in which the Bill of 1813 was introduced and passed a Bill which repealed the exceptions in the Toleration Act, and which repealed the Act of William which made it blasphemy to deny the doctrine of the Trinity. That was the spirit in which these Acts were passed, and it was intended by them to place Unitarians and all other Dissenters on an equal footing of toleration with all other Dissenters from the Church of England—to give them the same right to endow with property, chapels, schools, or other charitable foundations which the members of any other denomination possess; and he could not help thinking that they would not be acting in accordance with that spirit of toleration if they allowed any petition, objecting to any particular creed or particular doctrines, to interfere with that which was merely an act of justice on the part of the Legislature towards those whose interests would be affected by this Bill. It was an unfounded alarm to suppose that this Bill was calculated to encourage Unitarian doctrines in this country. He did not believe that it was calculated either to encourage Unitarian doctrines or the doctrines of any other body of Dissenters; but if it were otherwise, and if those who made that objection believed such an effect might be produced by the spirit of toleration, the time at which the objection ought properly to be made was in 1813, when the Bill was brought in to make the Toleration Act perfect; but it was too late, after the several Acts which had been passed for the relief of Dissenters, to bring forward objections to this Bill in any spirit of intolerance. Passing from that ground of opposition, he would call the attention of the House to the circumstances which had induced the Government to introduce this Bill; and they could not avoid seeing that it was called for, and would be of great advantage. The Bill came before them, recommended by the unanimous concurrence in its necessity, and in the character of its provisions, of all the highest and most eminent legal authorities of the other House of Parliament. It had received the approbation of Lord Brougham, of Lord Cottenham, of Lord Lyndhurst—all of whom were Judges in Lady Hewley's case, and all of whom were well acquainted with the necessity for such a measure. It came to them recommended by the authority of Lord Campbell, who had been counsel in Lady Hewley's case, and it was approved of by Lord Denman and other eminent legal authorities. It was impossible that any Bill could come before the House of Commons more highly recommended, and the Government in adopting it, could have been actuated by no other motive—could have had no other possible object than an earnest and sincere wish to do justice. This was the motive which actuated the Government, and they believed that in adopting this Bill they were supporting a measure of peace well calculated to put an end to unseemly contentions, and to remove causes of what might often be ruinous litigation. Having stated to the House the reasons which had induced the Government to adopt this Bill, having stated that objections had been made to it from a great misapprehension as to its nature and the character of its provisions, he should now direct the attention of the House more immediately to the most important clauses which it contained. He should first direct attention to the first clause, against which he had been told there were not such strong objections as against other clauses of the Bill; but he could not see how that was, for the first clause contained some of the most important provisions in the Bill, and the most essential for the protection of property. This Bill was required, as it was intended for the protection of the interests of the Dissenters, and the first clause was most essential to that object, as he should show to the House. After the passing of the Uniformity and other

Acts, subsequent to the Restoration of Charles the Second, no professor or teacher of any religion different from the Church of England occupied the position which the Dissenters now occupied, so that previous to the Toleration Act, if any gift were made to chapels or schools, or other similar foundations, for the benefit of such Dissenters, it would not be upheld by the Courts of Law—it would be regarded as illegal. Before the passing of the Toleration Act, all Dissenters including Roman Catholics were upon the same footing—all their foundations were illegal, none were tolerated, and any gifts for charitable or other purposes could not be sustained in our Courts of Law. After the Toleration Act was passed, which extended to all Dissenters generally, they would receive and hold property; the Roman Catholics, however, were excepted by name, and the Unitarians, though not by name, were practically excepted from the advantages of the Act, by the provision requiring any Dissenting minister, to obtain the advantages the Bill conferred, to sign a declaration of their belief, not in the Thirty-nine Articles, but of that portion of them which embraced the doctrines of the Church of England, including a belief in the Trinity; thus the Act excepted persons who denied the doctrine of the Trinity, as well as the Roman Catholics, who were excepted by name. The effect of the Toleration Act was, to enable all Protestant Dissenters to found schools, build chapels, and endow other charitable foundations, and the Court of Chancery and the Courts of Law would of course recognise those foundations as being as valid and binding as if made by Members of the Church of England. It was not so, however, with regard to the Unitarians or the Roman Catholics, who were excepted from the benefit of the Act. He must next state to the House the different provisions which had been made from time to time to relieve still further the Protestant Dissenters from the provisions of the Toleration Act, which contained any restriction. He was of course most anxious to avoid anything in that House which might have the appearance of leading to theological discussion, but it was necessary to state that considerable repugnance was evinced at an early period on the part of Dissenting ministers to subscribe the Articles of the Church; for he found that in the reign of Queen Anne an Act was passed, not permanently to relieve Dissenting ministers from subscribing the Articles of the Church, but giving them a temporary relief. In 1772, the subject was again brought forward, and a Bill was proposed for the purpose of excepting ministers of the Protestant Dissenting congregations from signing a declaration of belief in the Articles of the Church of England. It was quite clear that the Bill was intended to relieve what were now called Unitarian Dissenters—it was in fact recommended to the House of Commons on that ground, and it was resisted on the ground that it could give encouragement to those who denied the Trinity. That Bill so recommended and so opposed, passed the House of Commons in 1772, but was thrown out in the House of Lords. In 1779, however, a Bill was again introduced to the House of Commons to relieve the Dissenters from that declaration, and having passed both that House and the House of Lords, it became law in that year. Protestant Dissenting ministers were relieved from the obligation of subscribing the Articles embracing the doctrinal points of the Church of England. In 1813, the Statute which made it blasphemy to deny the doctrine of the Trinity was repealed, and by the Bill which then passed, any foundation for the benefit of Unitarians, either for the purpose of building chapels or schools, would be held to be legal by the Courts of Law. After the passing of the Bill of 1813, any persons professing the Unitarian doctrines might legally endow chapels, schools, or other charitable foundations, in the same manner as all other Protestant Dissenters. If, however, foundations were established prior to 1813 by those who were affected by that Bill, would the Legislature, after passing such an Act, and in such a spirit of toleration, now say that the property so given ought to be taken from those who enjoy its advantages because it was given prior to the passing of the Act of 1813. If they wished to grant a relief by the Act of 1813, would it be consistent to deprive those bodies of the property granted before the passing of that Act? It could be hardly said, that they were desirous of giving full effect by the Bill of 1813 if they objected to giving it a retrospective operation. Indeed, a retrospective operation had been given to the Act for the relief of the Roman Catholics. After the

passing of the Catholic Emancipation Act, and when the Roman Catholics had been placed in these respects on a footing with the Protestant Dissenters, and with the Members of the Church of England, an Act of Parliament was introduced, declaring the Emancipation Act to be retrospective, and imparting legality to endowments of chapels, schools, and other charities of the Roman Catholics, although given before the passing of the Catholic Emancipation Act. Now, by the first clause of the Bill, of which he was then about to move the second reading, not only the Unitarians, but all Protestant Dissenters were put upon the same footing with respect to the retrospective operations of the Act of 1813 as the Roman Catholics were placed by the Act to which he alluded. The first clause went to declare that foundations would not be interfered with merely on the ground that they existed prior to the Act. He was at a loss to know what objection could be made to the first clause, and if no objection could be made to it, it would be difficult to say what objection could be made to the second reading of the Bill. It was a most important provision of the Bill, and it came before them recommended by the highest authority from the other House of Parliament. He now came to the second clause of the Bill, a clause which was introduced to prevent the evils that might arise from such a spirit of litigation as that which was raised in the case of Lady Hewley's charity, amongst different denominations of Dissenters. The first clause he ought to have stated, related to all charitable foundations belonging to Dissenters; but the second clause related to chapels only, and did not extend to other charitable foundations. It was said that, as the law now stands, no lapse of time could be pleaded against a breach of trust. Now in one sense that statement was true. If a breach of trust were of a public nature, and proceeded to such an extent, that the Attorney General undertook to interfere in behalf of the public, then no lapse of time could be allowed to be set up against the Attorney General. In a case of a private breach of trust it was not so however, and it might happen with regard to these chapels, when it was left to the private members of the congregations to file their bill, lapse of time, according even to the present state of the law, might be pleaded. But he repeated, that when the Attorney General interfered, then lapse of time could not apply. He should be extremely happy if any Member of the Legislature who belonged to the legal profession would, if he took a different view, follow him in addressing the House; but he adverted to the subject to show the House that there was no violation of any principle of law proposed by the Bill, and that its provisions were in strict analogy with those which the existing law applied in other and analogous cases. By the law as it now stands, any party might give permanence to any religious foundation or gift, for the purposes of religious trust, by setting forth the particular class or denomination for which it was intended, as, for example, if a Roman Catholic wished to do so, he could stamp a permanent character on the religious trust, by specially setting forth that it was intended for persons of the Roman Catholic faith; and, in like manner, any Dissenter, by setting forth that the trust or foundation was intended for any particular religious denomination, could give it a character of permanence. He did not, however, think that they ought to assume every case where a charity was founded for a religious purpose, and the particular denomination was not stated for the benefit and advantage of which it was intended—he did not think that they were always bound to assume that the founder intended it for any particular sect or doctrine, even though he had at some time entertained that doctrine. There was no right to assume, if the founder had been of a particular denomination of Dissenters, that the trust was therefore intended for the use of that denomination; for they were aware that a large body of Dissenters would shrink from a special declaration of particular articles of faith, and from binding others to a similar declaration—they would rather allow them to judge for themselves, and draw their own belief from the Bible. When therefore, they did not find on the face of the deed the particular sect for which the trust was designed, it was a gratuitous assumption to say that the founder intended it for the denomination to which the founder formerly belonged. If a party, by his own free will or gift, gave it—nay more, if he purchased land for the building of a chapel, and it appeared that the land was intended to build a chapel on, for some peculiar sect of Dissenters, the

Bill would not interfere; but it would interfere when the particular purpose was not mentioned in the deed of trust. He was certain that the Bill itself could not have been understood by those who had objected that it was a Bill for enabling trustees to violate their trusts. Now he would take the case of an Unitarian chapel, not founded by gift, or indeed, by any act of benevolence whatever; for that was not their origin: generally he might, he believed, say universally in this country the course had been this:—A congregation dissented from the Established Church; they wished to build a chapel for their own worship; they formed a voluntary association, subscribed funds, purchased land, and built a chapel. In the first instance, the management would be vested in trustees: that was necessary; but the fact was, that so little had the trustees to do with the management of the chapel, that as the original trustees died off, no fresh trustees were appointed. The minister and congregation relied on their possession; that was sufficient to keep the chapel with them, there being no fresh trustees. Then as to the alleged breach of trust, who appointed the ministers to these chapels? Not the trustees, but the congregation. Who paid them? Not the trustees, but the congregation. Who removed them? The congregation. The trustees had no more power over the doctrines preached in the chapels than an entire stranger; so that the breach of trust, if any, was not in the trustees, but in the *cestuique* trusts themselves. Now a right reverend Prelate in another place had made a statement which, for the sake of argument, he would assume to be correct, that a congregation of the Unitarians built a chapel in which they had religious worship according to their own tenets; that by degrees that congregation relaxed into Arianism; and that ultimately they became Socinians. What then? The congregation built the chapel; they elected their minister who preached in accordance with their religious views; father and son attended together; family succeeded to family; generation to generation; still they went on subscribing to pay the expenses of the chapel; but the congregation so kept up, and so acting, appointed their own clergyman, and he preached different doctrines from those which his predecessor had preached. Still the question was, who kept up the chapel? Who repaired it? Who added to it? It must be admitted that all these things were done by these Unitarian congregations: and yet the consequence of these recent decisions—he was not speaking of Lady Hewley's case, but of a case decided by the Lord Chancellor of Ireland—was, that if it could be established that 100 or 150 years ago the original founders were professed Unitarians, although for the last century Trinitarians doctrines had been openly professed in that chapel; though from time to time subscriptions had been contributed towards its maintenance, and benefactions towards the support of its Ministers or their widows, by the existing congregation—yet all must follow the original foundation; and all be taken from the Unitarians, and handed over to perfect strangers. How could they consider it founded in equity or justice, even if the law permitted it (and he would assume, for the purposes of that discussion, that the law permitted it), that the chapel should be taken from those who had gone on together, as he had described, in unison, and given—to whom? Given to perfect strangers. When he was speaking of the introduction of the Bill, he wished it not to be assumed that the law was at present perfectly clear on this point. It was not, and he believed that the concurrence of all lawyers, without political or religious distinction, in recommending the introduction of the Bill, was in consequence of the law being uncertain. Let it not be supposed that the Bill would deprive either Presbyterians or Independents of the property which they possessed. If it appeared on the face of the deed establishing any foundation that it was intended for a particular sect or purpose—if it stated that it was for those professing Trinitarian doctrines, or for a particular sect of Independents or Presbyterians, the Bill would not interfere with the trust; but suppose there should be no particular statement on the face of the deed, were they to assume that it meant the faith of the founder? If they were to make that assumption, how could they find out by evidence the faith of the founder? What had occurred in Lady Hewley's case? A will of Lady Hewley's—certain family documents—a catechism and certain opinions were produced for the purpose of shewing that Lady Hewley was a Trinitarian, and that the trust was intended for the Trinitarians. He would read the opin-

ion which Lord Chief Justice Tindal gave on this point. Speaking of the evidence necessary for showing the meaning of particular words in a deed, he says—

"In all these cases evidence is admitted to expound the real meaning of the language used in the instrument, in order to enable the court or Judge to construe the instrument and to carry such real meaning into effect. But whilst evidence is admissible in these instances for the purpose of making the written instrument speak for itself, which without such evidence would be either a dead letter or would use a doubtful tongue, or convey a false impression of the meaning of the party, I conceive the exception to be strictly limited to cases of the description above given, and to evidence of the nature above detailed, and that in no case whatever is it permitted to explain the language of a deed by evidence of the private views, the secret intentions, or the known principles of the party to the instrument, whether religious, political, or otherwise, any more than by express parole declarations by the party himself, which are universally excluded, for the admitting such evidence would let in all the uncertainty before adverted to. It would be evidence which, in most instances, could not be met or countervailed by any of an opposite bearing or tendency, and would, in effect, cause the secret undeclared intention of the party to control and predominate over the open intention expressed in the deed."

Such was the opinion of the Chief Justice Tindal in the case of Lady Hewley, with regard to the point alluded to. It was right that he should state to the House that there was a difference, a conflict of opinion on this point, and that the Lord Chancellor of Ireland was opposed to the opinion delivered by Chief Justice Tindal. But he had referred to it for the purpose of showing the mischief of the litigation of charitable funds. He did not mean to say, that in the discussion of that question the most solemn points of Christianity were discussed with any levity; but he did say, that it was impossible to argue questions of that sort in a Court of Law with that solemnity which ought to be observed with regard to them. He did not think it advantageous that the great truths of Christianity should be brought forward in that manner. He would ask any friend of religion whether he could wish that great questions of this kind should be taken to the Master's office, and there discussed in a sphere and in a manner so ill-suited to their character and importance. Well, what was recommended by this Bill? Simply that you should apply some sure and certain tests to questions of this kind; that you should not speculate upon the intentions of the founder, but should apply to cases of this sort the same test which was applied to other cases. And first of all, with respect to cases of private right. Let him remind the House how every case of private right was decided. There was no one single case of private right which did not depend upon usage. The House would bear that in mind—that there was no question of private right of property in this country which did not depend upon usage; and twenty years' undisturbed possession militated against any adverse title. And not only that, but suppose you set up a *modus*—he was not speaking of the existing Act, but according to the old analogy of the law—suppose you set up a *modus* against the Church how did you prove it? Usage was supposed to have existed from time immemorial, and yet how was the *modus* proved? By modern usage and practice, the possession for twenty or for sixty years, a sanction was conferred which could not be affected by any contradictory proof. It was so too against the Crown. If they wanted to find the contents of a lost deed or charter, how did they do it? Surely by the usage of modern times. If they showed a usage under that lost deed or charter for twenty or thirty years, the Court would assume it. Undoubtedly if they could get the twenty years' usage immediately following the deed or charter, the evidence would be more direct, but the law was satisfied with the last twenty years, because it did not suppose that parties would slumber over their rights or allow parties to be in possession of what they themselves had a right to, and because modern usage formed the only fair criterion equally open to both parties. If this test then was applicable to all other cases, why should it not be applied to Dissenters Chapels? There was this advantage in the application of such a test, that they would not disturb existing interests—they would not take their chapels from congregations who had been in possession of their places of worship for centuries, nor would they take from them the benefit of those sums they had expended on their chapels or applied to the support of their ministers. But he was told there would be this disadvantage—the consequence it was said might be, that property now possessed by Presbyterians or other Dissenters, would in the

lapse of time, fall into the hands of Unitarians. Well, but how could that happen? Because by this Bill the usage must be that of the congregation—not a portion of the congregation. Suppose there was a trust for the benefit of Presbyterians, if the minister went into the pulpit and preached Arian or Unitarian doctrines, any single member of the congregation might apply to have him removed. The congregration must have sanctioned the appointment of the minister; they must also have sanctioned the change of doctrine before any case of the sort could occur. There was therefore no real ground for apprehension that any Presbyterian congregation could be ousted, and its property handed over to Unitarians. With regard also to the Wesleyan Methodists it was a total misapprehension to suppose that this Bill would apply to their trust chapel property. The Government would be glad to listen to any suggestion, and make any alteration which would render more clear the principle they intended to apply to chapel property, but this he would repeat, that it was not intended to affect any case where either certain doctrines were expressly directed to be taught, or where on the face of the deed it appeared clearly the chapel was intended for the teaching of a particular faith. On the one hand, he had stated to the House, although he was afraid but imperfectly, the principle upon which the Bill rested; and he thought he might venture to ask the House whether the measure were open to the charges that had been against it? It had been brought forward by the Government in the belief that it could not interfere with the claims of justice; and he trusted that it would receive the sanction of the House as being a measure which would prove beneficial to the great body of the Dissenters in this country; for he was certain that it would be a benefit to them to put down that spirit of litigation to which those proceedings had given rise. With respect to the third Clause of the Bill, which declared that the Act was not to extend to any property the subject of an action or suit pending on 1st of March 1844, he should say that that was more properly a subject for discussion in Committee than on the second reading of the measure. The facts relating to those suits were stated in the Papers then lying before him; and they certainly did seem to make out a very strong case for embracing those suits within the operation of the Bill; because he understood that in one of the cases Unitarian doctrines had been taught for the last sixty years, and in the other case, those doctrines had been taught for the last century. The hon. and learned Gentleman concluded by moving the second reading of the Bill.

Sir *R. H. Inglis* was sure, that in one respect at least, he represented the unanimous feeling of the House, when he declared the unfeigned pleasure it gave him to see his hon. and learned Friend again in his place in Parliament, and in listening, however strongly he might differ from his opinions on this question, to the skill, the eloquence, and the power which he brought to bear on the subject. But here he must stop, because he felt unconvinced by the arguments his hon. and learned Friend had used, and it would be his duty to urge the House to come to a totally different conclusion. He was aware of the great disadvantage under which he rose to oppose his hon. and learned Friend, even on matters irrespective of law; but although he would not disown those general and religious views which formed the groundwork of many of the petitions which had been presented against this Bill, he did not rest his opposition on them alone, for he felt it was not necessary in the present instance to decide on the relative truth or falsehood of particular views of the Christian scheme. He viewed this measure as one of law and property which it was proposed to violate, and on that ground chiefly, though not exclusively, he was prepared to oppose it. In the spirit with which he approached this subject, he hoped not a word would fall from him to provoke any angry or sectarian feeling. It was asked, what had Members of the Church of England to do with this question? He replied, that Members of the Church of England had a direct interest in the maintenance of those principles which this Bill violated. Ever since the Municipal Corporations Act the management of charitable foundations, originally vested in members of the Church of England, had been placed in the hands of gentlemen who would not even profess to be nominally members of that Church; and if they were permitted to hold property vested in them for twenty five years, there would be considerable danger to the permanence of those foundations as connected with the Church. His hon. and learned Friend had said that this

Bill was supported by all the legal authorities in the other House of Parliament. That certainly gave a considerable *prestige* of authority to the measure; but he appealed from Lord Lyndhurst sitting as Lord Chancellor on the Woolsack, and supporting this Bill, to Lord Lyndhurst presiding in the Court of Chancery, and declaring that common sense and common justice required him to give the judgment which he pronounced in the case of Lady Hewley's charity. He objected to the authority of these noble and learned Lords rather as statesmen than as judges; and his hon. and learned Friend the Attorney General should have pointed out any one of those noble and learned persons who dissented from the judgment given in Lady Hewley's case, before he was entitled to quote them as advocates on his side of the question. He entirely acquitted the Government of any sordid motive of interest in taking up this Bill; in fact, it was notoriously less acceptable to their friends than to those who had politically long been most consistently engaged against them. Unquestionably the Bill came recommended by the authority of great lawyers; but the matter was not to be decided by authority, because the question was not the exposition of the actual law. If so, he would not have ventured an opinion. The question at issue was the creation of a new law. His hon. and learned Friend had said that the history of Protestant dissent in this country, justified him in regarding the first clause, however it might have excited opposition, not only as one of the most important but as absolutely essential to the Bill. Now with reference to the history of dissent, he was very willing to admit that when Parliament had relaxed the penal laws, and in 1813 gave a legal sanction, or at least a legal permission, to those who denied the doctrine of the blessed Trinity, it followed, perhaps it ought to follow, that foundations, which previous to that year were illegal, should receive the sanction of law, and so far, if the first clause had been limited to that object, it would not perhaps, have provoked his opposition to the Bill; but that was the utmost concession he could make. The great force of argument had been applied by his hon. and learned Friend to the second clause. He said the waste of property which had taken place in Lady Hewley's case, the angry feelings which it had generated, the scenes it had occasioned during its progress in the different courts, were matters which no person of Christian feeling could desire to perpetuate or to extend; and on the ground, therefore, not merely of preventing litigation, but of preventing litigation in matters so unsuitable to public discussion, he prayed the House to give its assent to the second clause of this Bill. His hon. and learned Friend said that property held in trust did not appear to him to require any greater protection than property held by private individuals; but he could not help thinking the strength of his case rested here—that whereas they might safely take an uninterrupted possession for twenty-five years as a sufficient guarantee for the soundness of the title of the person who held it, inasmuch as his next neighbour would not be likely to suffer an undisturbed possession of what he might be entitled to, the case was very different in respect to trust property, where the interest was so divided, that out of twenty individuals named in a trust-deed, it is very improbable that half knew their names were mentioned at all—so that by little and little the whole character of the trust might be altered by those on the spot electing persons of their own more immediate persuasion, and gradually changing the trust from Trinitarian to Arian or Unitarian uses. An instance had occurred within his own experience last week. He received a letter from a friend asking whether he were not a trustee of a particular chapel connected with the Established Church, and his friend was a co-trustee, and he wrote, intimating that the incumbency was vacant, but he thought both of them were safe, because A and B being on the spot, excellent men would recommend Mr. So-and-so as the incumbent. His friend did not know that he was a trustee. Others might be equally ignorant of the facts, and the obligations which such a trust imposed would have been unfulfilled, by the placing perhaps a person holding opinions different from the founder of the trust in that situation. To remove a trustee there must, of course, be an application to Chancery; how far, then, would the Bill prevent litigation? At a meeting held that day it had been unanimously agreed,—

"That upon a deliberative review of all the circumstances connected with this extraordinary interference with the jurisdiction of equity, it is the opinion of the meeting, that the measure will be a plain and palpable act of injustice, involving an intentional breach of trust, as far as regarded the religious views of founders, and indicating a disregard upon the

part of the Legislature, of the paramount principles of Christianity."

He had read the last passage, he might be permitted to add, without noticing its particular import, for he meant to maintain his pledge, and not introduce any imputation on the religious opinions of any one in the House:—

"Upon this belief, the Committee, in the event of the Measure passsing, will proceed to form themselves into a permanent body, and to increase its members equally from members of the Established Church, the Wesleyan Methodists, Orthodox Dissenters, and Presbyterians of Scotland or Ireland, with the view of making the real character of the Measure known through the country, and calling forth such an expression of public opinion as will, in the ensuing Session, insure its immediate and entire repeal."

Sir *J. Graham:* By whom is that resolved?

Sir *R. Inglis* thanked his right hon. Friend for reminding him of what he regretted he should even for an instant have forgotten—that the address bore the signature of one formerly a Member of that House, and long and well known as one of the prominent organs of what is called orthodox dissent—he meant John Wilks, the Chairman of the meeting. This must convince the right hon. Baronet that the measure was not likely to be a final one; that it would no more prevent litigation than it would settle legislation on the subject; and certainly, of all the measures introduced by the Government, none had been less popular. The Attorney General had slurred over the third Clause, though fully as important as any; which, indeed, was introduced in an utterly unprecedented manner; and the proceedings respecting which had been as strange as the manner of introducing it. In the Lords, the Clause had originally stood, with a "marginal note" longer than itself:—

"Provided that nothing hereinafter contained shall affect the right or title to property derived under any judgment, decree, or order already pronounced by a Court of Law or equity; or affect property the right or title to which was in question in any action or suit, pending on the 1st of March in the present year."

Now, while the Bill was pending in the Lords, the most essential alteration was made in this clause with such reckless haste that the marginal note was actually retained, which was only applicable to the originally proposed enactment; and the section proceeded thus—utterly stultifying the marginal note:—

"Provided that it shall be lawful for any defendant or defendants in any other action or suit which may be pending at the time of passing of this Act, or whom the provisions of this Act would have afforded a valid defence to such action or suit, if commenced after the passing of this Act, to apply to the Court wherein such action or suit may be pending; and such Court is hereby authorised, on being satisfied by affidavit, that in effect the case is within the operation of the Act, to make an order thereon giving to such defendant or defendants the benefit of the said Act."

He need not ask if a more completely *ex post facto* enactment had ever been passed? Why, one phrase alone of the measure, even assuming its principle (which he denied) to be correct—one phrase alone which it employed, must prove a fruitful source of litigation—"the usage of the congregation." What constituted that "usage?" If the preaching of the minister, as was said by the Lord Chancellor, where could be the evidence of it? A question was at issue at Cork, which turned upon what kind of sermons a certain individual preached many years ago. The individual alluded to, contended that he had always preached Trinitarian doctrines, whilst his opponents maintained that it was only within the last year that he had expounded them. How, then, could the usage of the congregation be ascertained in such a case as this, according to the Lord Chancellor's construction? It should not be forgotten that at the period when most of these endowments were founded, it was so unlawful to endow Unitarian places of worship, that such trusts could not have been legally enforced, and therefore, could not be presumed to exist. [The *Solicitor-General:* "No."] He would not be so presumptuous as to dispute the law of the hon. and learned Gentleman on his own authority, but he must adduce that of some of the most eminent lawyers who had occupied the highest offices, including Lord Eldon. "But," said the Attorney General, "you have no right to assume that it was intended that any specific doctrines at all should be preached." In opposition to this, however, it might be urged, in the language of Lord Lyndhurst, when giving judgment in Lady Hewley's case, "Is it to be supposed that such pious persons would expend their money in endowing the profession and the preaching of a creed

opposed to their own, and which they must, at least, regard as erroneous?" Surely, there must be the same means available for interpreting the intentions of religious, as in all other trusts; if not by express words, by all other *media* of information open to a judicial mind. What he desired was, that the Court of Chancery should have the power of deciding those matters as it hitherto had done, and not that a Bill like this should be introduced. His hon. and learned Friend had said, how could they know when the breach of trust had commenced; and then said, that for several years, they had the concurrent opinion in a congregation, which might be known from the doctrines preached in the Chapel. Now, if his hon. and learned Friend could say what doctrines had been preached in the intermediate time, between its foundation and the present, he would have no objection to give to the Chapels respecting which that could be proved, the benefit of the first Clause. He conceived, however, that no principle had been quoted, or could be relied upon, to justify the introduction of such a measure as the present. In reference to it, however, he could not avoid making this remark. There was no one who could feel less disposed than himself to say anything disparaging of Sir Edward Sugden, if he were still a Member of that House; and being absent, he was still more disinclined to do so: but this he must say, that he defied any one in that House to point out an instance of a judge having fixed a day, like the Lord Chancellor of Ireland, for delivering his judgment upon a matter of great and paramount importance, and then of having postponed his decision, on the ground, either that the measure was to be, or had been, brought into one of the Houses of Parliament, which was to guide his decision. Surely, the province of a judge was to administer, not to alter the law, nor to wait while it was altered. There could be no difficulty in making an arrangement by which existing rights of a private character, such as that of Mary Armstrong, could be reserved and protected. The hon. Baronet concluded by moving, that the Bill be read a second time that day six months.

Mr. *Plumptre* seconded the Amendment, and said, he deeply regretted that Her Majesty's Government had not felt it their duty to defer to the undisputed demonstration of public feeling that had taken place against the Bill, which, if carried, would inflict a wound on the Christian feeling of this country not easily healed. It had been said there had been great misapprehension of the measure. Probably in its legal details all men might not be perfectly versed, but the opposition proceeded from all classes and ranks including the highest and most intelligent, petitions having already been presented against the Bill from hundreds of the clergy. It was said the Members of the Church of England and of the Wesleyan connexion were not interested in the Bill. And was it come to this, that men were not to move in any measures not directly affecting their own pecuniary "interests?" He hoped the religious bodies he had named would never be deterred from acting by any such selfish feeling. But the fact was, they and the great body of orthodox Christians of all persuasions felt that the measure would give a practical encouragement to error, and it would have been indeed astonishing had they not energetically opposed it. The Bill was well understood. There was an unfortunate unwillingness in the House to respond to appeals on religious grounds; but this should not prevent him from declaring emphatically that the measure outraged and insulted the Christian feeling of the country; and he would never avoid an opportunity of protesting, in his place in Parliament or out of it, against such an infraction of what he and a large portion of his fellow-countrymen held dearest—religious truth.

Mr. *Macaulay*: If ever there was an occasion on which I could desire to have before me the two examples, in the discussion of a measure like this, both as to the temper in which I should wish to debate it, and the temper that in speaking of it I ought to shun, then both these examples have been given me by the Mover of the second reading, and the Seconder of the Amendment. I despair, Sir, of adding much to the very powerful and luminous arguments of the hon. and learned Gentleman who, to our great joy, has again appeared amongst us; but I am unwilling to allow the debate to proceed further without offering some observations to the House. Sir, I think it desirable that some person should rise on this side of the House, generally occupied by those the most strongly opposed to the existing Administration, for the purpose of declaring a cordial and warm approbation of this honest, this excellent Bill, and my

firm conviction, that none but the best and purest motives have induced the Government to bring it forward. I am glad also to bear my testimony to the exceedingly mild and temperate manner in which my hon. Friend the Member for Oxford has discussed this subject. I most highly approve of the resolution which he formed, and to which he so faithfully adhered, of treating the question as one of *meum* and *tuum*, and not as one of theology. But whatever the hon. Baronet omitted, has been fully supplied by the Seconder of the Amendment, for from him we have heard a speech, in which there was an utter and complete absence of every thing like argument or statement of fact, in which there was not even a shadow of reason, and there was nought to be heard but the language of theological animosity. In many of the petitions presented on this subject I have grieved to discover the exhibition of similar feelings, and when the hon. Member opposite asks me why I do not suppose the petitioners competent to judge on this matter, my answer is, because they treat it as a question of divinity, when they should but have looked at it as a question of property; and when I see them treat a question of property as a question of divinity, then I affirm, that however numerous they may be, they prove themselves not competent to judge this question. If the persons who desire this measure be orthodox, that is no reason that we should plunder others to enrich them; and if they be heterodox, that is no reason why we should plunder them to enrich others. I should not think it honest to support this Bill if I could not conscientiously declare, that whatever the religious persuasion may be of those interested on the occasion, my language and vote would be precisely the same. If instead of their being Unitarians, with whom I have no peculiar sympathy, it were a Bill in favour of the Catholics, or the Wesleyan Methodists, or the Baptists; if it were in favour of the old secession Church of Scotland, or of the free Church of Scotland, my language and my vote should be precisely the same. It seems to me that the point in all this matter, that on which great stress is laid, is the second Clause of the Bill. I can hardly conceive that there is any Gentleman in the House prepared to vote against the first Clause; that any would vote against the third, merely because of a marginal error in that Clause, or that because there is a provision respecting pending actions at law, he would vote for refusing a second reading to this Bill. As to the first Clause, I have heard of no objection made to it. My hon. Friend the Member for the University of Oxford, if I understood him rightly, said, that if the Bill contained only the first Clause, it would not necessarily be exposed to his opposition. Indeed I do not think it would be easy for him, with his candour and humanity, after the clear, powerful, and able manner in which this part of the case was stated by my hon. and learned Friend, to oppose that Clause. We come then to the second Clause, and here lies the whole stress of the matter. The second Clause is one that rests upon this principle, that prescription as a general rule ought to confirm the title of those in possession,—that there ought to be a term of limitation, after which a title that might have originated wrongfully cannot rightfully be set aside. Certainly I never could have imagined that in an assembly of reasonable, civilized, and educated men, it would be necessary to offer a word in defence of prescription as a general principle, if I had not been painfully instigated to it by that body of sages lately assembled in conclave at Exeter-hall. I should have thought it as much a waste of time of the House, as to make a speech against the impropriety of burning witches, or of trying a right by wager of battle, or of testing the guilt or innocence of a culprit by making him walk over burning ploughshares. They did me the honour to communicate to me the burden of their opinions, that this principle of prescription, as declared by the present Bill, is untenable and unworthy of the British Legislature. They said that this principle of legislation, adopted for the purpose of terminating litigation and quieting people in possession, is a principle untenable, and one that is unworthy of a British Legislature; and they added, "the present Government is inconsistent in bringing forward a Bill containing this principle of limitation, because that Government has created two new Vice Chancellors." If these Gentlemen are bad logicians, they are just as bad jurists. I stand here as the advocate of prescription, and I do not forget the prescriptive right which the gentlemen who assemble on the platform of Exeter-hall have of talking nonsense. It is a pre-

scriptive right which may be abused, and in the present case it is my opinion that it has been abused. At all events this must be evident, that if these gentlemen are in the right, all the master philosophers, all the jurists, and all the bodies of laws by which men are and have been governed throughout the civilized world, are fundamentally in the wrong. How, it may be asked, can any civilized society exist without the aid of that untenable principle which is said to be unworthy of a British Legislature? It is in every known part of the world; in every civilized age; it was familiar to the old tribunals of Athens; it formed part of the Roman jurisprudence, and was spread with the imperial power over the whole of Europe. It was recognised after the French Revolution, and when the Code Napoleon was formed, that very principle of prescription was not forgotten. We find it both in the East and the West, it is recognised by tribunals beyond the Mississippi, and in countries that had never heard of Justinian, and had no translation of the Pandects. In all places we find it acknowledged as a sacred principle of legislation. We have it amongst the Hindoos as well as amongst the Mexicans and Peruvians; in our own country we find it coeval with the beginning of our laws. It is bound in the first of our Statutes—it is close upon our great first Forest Charter—it is consecrated by successive Acts of Parliament—it is introduced into the Statute of Merton—it is found in the Statute of Westminster—and the principle only becomes more stringent as it is carried out by a succession of great legislators and statesmen down to our own time. You have been convinced by experience of the advantage of this principle, and you have found that when particular points have been left unguarded by it, oppression has been the result, and legislation has been called in to remedy the evil. Sir George Saville brought in a law, barring the claims of the Crown; Lord Tenterden brought in a Bill, barring the perpetual claims of the Church. Go where you will, you will see it in the civil legislation of every country. You will find in our body of laws a perfect agreement as to this principle—you will find it in our first Great Charter—you will find it enforced by the Imperial and Greek Jurists—you will find it adopted by the great men that Buonaparte brought about him—ay, and you will even find it amongst the Pandects of the Benares. How, unless there has been some universal sense of the great good it contained, and of the great evil of wanting it, could men have been brought by distinct paths to the same conclusion? Is it difficult to see how men have arrived at this conclusion? Is it not clear that the principle of prescription is essential to the institution of property itself, and that if you take it away, it is not some or a few evils that must follow, but general confusion? Only imagine if you were to do away with this principle in Exeter Hall—I beg pardon, I meant Westminster Hall—only imagine if you were to strike out this principle—if you were to intimate that it was unworthy of the British Legislature—what confusion would be the consequence! Only imagine any man amongst us being liable to be sued upon a bill of exchange accepted by his grandfather in the year 1760—only imagine, if a man had an estate and manor coming to him from his father, and grandfather, and great grandfather, and yet liable to be turned out of possession, because a will or deed in the reign of Charles I. was found in some old chest or cranny. Why, if this could be done, should we not all cry out, that it would be better to live under the rule of a Turkish pacha than under such an intolerable evil. Is it not plain that the enforcement of obsolete rights would in effect be committing absolute wrong; that this extreme rigour of law, without a limitation of time, would be a system of great and methodised robbery? If this then be the general principle, and if it is proper to establish a certain limit to rights, then I wish to ask how it is that it is not to apply to the case before us? I have read the petitions that have been presented here—I have heard the arguments of my hon. Friend the Member for the University of Oxford; and I should have heard, if he had any to state, the arguments of the hon. Member for Kent. My hon. Friend did his best to take this case out of the general principle; but instead of that his arguments were against the principle of limitation itself. He has said that here the measure arises out of wrongful possession. Why, all the statutes of limitation do. My hon. Friend says, this is *ex post facto*. What act of limitation is not so, to a certain extent? Let him go to the Statute of Merton, passed in 1235; to the Statute of Westminster, in 1275; to

that of James I., in 1623; to that introduced by Sir George Saville, or that by Lord Tenterden, and he will find that every one of them had a retrospective effect. He will find that every one of those Acts looked to the past as well as to the future. Reasoning and reflecting men approved of this; every one approved of it; and until religious bigotry was aided by chicane, there was no one to find fault with it; and no one to differ from the general opinion. There is not a single Act for healing existing defects in titles that does not take away a right which, if such a law had not passed, would have existed. The 2nd Clause of this Bill does not differ from any statute of limitation that has ever been passed. The opponents of the measure said, "It is a reason against the Bill that you make the length of time during which these parties have been doing wrong a justification for them. It is an aggravation of the case, for you suffer this length of time to be a reason for consecrating the wrong." This is the case wherever the principle of limitation exists. It is a greater wrong to my tailor if I refuse to pay him for 20 years, than if I refuse to pay him for 12 months; but the law says that at the end of 12 months I must pay him, whilst at the end of 20 years I am not bound to pay him. It is the same with an estate. It is a greater evil for a gentleman and his family to be deprived of his property for five generations than for five days; and yet, after an ejectment of five days you may be restored to your estate, but at the end of five generations the right is barred. Every argument used against us on this occasion, is an argument against the whole principle of limitation; and if there be a case in which limitation ought to be applied, this, I would say, is the very case: suppose a person is turned out of an estate after holding for sixty or ninety years (about the time which the Members of the Unitarians are said to have held their chapels), then, bad as that might be, still all you would do, would be to take away from the individual that to which he had a defective title. He could lose nothing that was his own. But the property of the Unitarians is so mixed up with the acquired property under trustees, that it is impossible to take away the mere original soil, without also taking away something of great value, which is unquestionably their own. It is not a case of ordinary property, in which a man gets rents and profits, and expends nothing and loses nothing beyond the original value of the land. And yet limitation in this case is petitioned against as a grievance. Have Gentlemen bestowed their attention upon the petitions presented against this Bill, they are filled with vague declarations and theological invective; whilst the petitions in favour of the Bill contain statements of great practical grievances. Take for instance the case of Cirencester. The meeting-house was built in 1730, and it was in proof that in 1742 there were preached there Unitarian doctrines. That was twelve years after the chapel had been founded, and when a great many of the original subscribers must have been living. Many, too, of the present congregation were the lineal descendants of the original subscribers and large sums had been continually laid out by them in embellishing the chapel. Now doubts were raised as to their title. Then there was Norwich, where in 1688, a great dissenting meeting-house was established. At an early period anti-Trinitarian doctrines were professed, and so it went gradually on, until at length, in 1754, it was certain that both the preacher and the congregation were Arianists. At the present moment there is all round the meeting-house a burial-ground, in which there are the grave-stones of Unitarians. A library is attached to the school-house. All these expenses have been incurred, and at this moment the hands of the congregation are tied down, and they dare not build nor repair until they knew whether their title be good. Such is the common, the ordinary history of these congregations. Go to Manchester, go to—I do not know that I have cited the best cases for my argument—but go to Manchester, where I am certain Unitarianism has been preached for seventy years—that large sums have been laid out upon the chapel, and that it is, moreover, the place where Priestley himself once taught. Or take Leeds—I am assured that 4,000*l.* has been subscribed for repairs to the principal Unitarian chapel there—that it is lying idle, because they dare not repair a single pew while this matter is pending. Go to other places—go to Maidstone—every where you will find the same story—there 700*l.* had been subscribed within a short period. At Exeter Unitarianism has been preached for eighty years, and 2,000*l.*

has been expended upon the chapel. At Coventry, Bath, every where—I repeat, it is the same. Now, are these chapels places of which a British Legislature will consent to rob their possessors? I say, "rob"—I can use no other, no lighter word. How would you feel were such a proposition made as to other property? Would it be borne? And what are those who oppose this Bill to get in comparison to what those who are injuriously affected by it are to lose? What feelings have these latter associated with Priestley's pulpit—with Dr. Lardner's pulpit? What feelings have they connected with the places wherein Unitarian doctrines have so long been taught, and around which are the grave-stones which pious love has placed over the remains of dearly prized sisters, wives, fathers, brothers — that these associations are to be so rudely disregarded, and structures wrenched from those to whom they are so valuable? To those who seek to obtain possession of them, they are of no value beyond that which belongs to any place in which they can get a roof over their heads. If we throw out this Bill we rob one party of that which that party considers to be invaluable, to bestow it upon another stronger party, who will only value it as a trophy of victory won, and as an evidence of the humiliation and mortification of those from which it has been wrested. An imputation has been thrown out—not, I think, here, but it has been thrown out in many other places—I say an imputation of fraud has been applied to the Unitarian congregations holding the chapels now in dispute. It has been said that they quite well knew the meaning of the original founder—that they knew that his views were Trinitarian; that nevertheless they had not acted up to those views, and that therefore they were guilty of fraudulent misapplication of funds, and fraudulent misapplication of lands and buildings. And further, Sir, it has been said by a great authority upon such matters, that they must have been necessarily, down to a comparatively recent period, either Trinitarians or counterfeit Trinitarians. Sir, it has been said that until 1779, every Dissenting teacher was under the necessity of subscribing to the Articles of the Church of England, and that if he was an honest man he could not have subscribed to them, and have been also an Unitarian. Therefore the inference is clear, that persons who taught in meeting-houses down to 1779 were either Trinitarians or rogues. Now, they were neither the one nor the other, and the eminent person who stated the contrary, intimately acquainted as he must be with the history of that Church to which he is an ornament, and who is, or ought to be, equally familiar with the annals of nonconformity, must know that from a very early period, the practice of compelling Dissenting ministers to sign the Articles of the Church of England was not persisted in. There were many eminent Dissenting ministers of early days who never signed them. Dr. Calamy resisted, and was not molested; and if it was so at an early period of the history of nonconformity, when penal laws were strictest —when, as the vulgar proverb has it, it might have been expected that new brooms would have swept clean—is it not to be supposed that, at a later period, their operation would have become still more lax? But the truth of the matter is this. As early as 1711, when the Whigs, by means of their coalition with Lord Nottingham, managed to get the Occasional Conformity Bill through the House of Lords, they inserted, by way of a favour to the Dissenters, a clause which very much took away the stringency of the obligation to subscribe to the Articles of the Church. This clause provided, that if a person informed against a Dissenting teacher for not having signed the Articles, that the latter could, at any stage of the consequent judicial proceedings pending the judgment, defeat the information by signing the articles, a proceeding which, it was also enacted, should throw the whole burthen of the costs upon the shoulders of the informer. The House may conceive that very few informations were likely to be laid under such conditions. The truth is that in 1773, it was stated both in Parliament and in papers put forth by the Dissenting body at that period, that the majority of Dissenting preachers then teaching had never subscribed the Articles. Therefore, I maintain that any argument grounded upon the supposed insincerity of the Unitarians falls valueless to the ground. As the case now stands, then, can it be necessary to prove how easily, how insensibly, how naturally, these congregations having—as was, indeed, the very principle of the early Presbyterians —no confession of faith, no precise form

of worship inserted in their trust deeds to fix the actual doctrines—no subscription to any such document, being in fact the very bond which held them together—what can be more conceivable, more probable, than that they gradually should have gone on hardly knowing that the doctrine preached one Sunday was not the same as that delivered the last; that they should have gradually passed from one set of opinions to another. I know that this statement has been treated with derision. I see that my right hon. Friend near me (Mr. Fox Maule) does not assent to it. Will he allow me to refer him to an instance with which he cannot but be well acquainted—I mean that of the first Scotch secession. He will not surely hold that the doctrines taught and believed by the first Scotch secessionists are the same in all respects as those professed by that body now. I have talked with many eminent and good and learned men belonging to that persuasion, and they have all admitted that upon points which were considered essential and fundamental by the original secessionists, their descendants have widely differed from them. Take for one point, the connection between Church and State. The first generation of seceders held that such connection was proper, and sound, and desirable. They subscribed the Solemn League and Covenant, and afterwards, when Whitfield went to Scotland, although they agreed with him in his Calvinistic opinions, and admired—as everybody ought still to admire—his talents and his eloquence, yet they would hold no communion with him, because he held and taught that connection with the State was sinful. But how do matters stand now? Are not the descendants of those very men crying out the loudest for the voluntary system, and contending the most earnestly for the principle that the Church should not be interfered with by the State. Here is an instance of gradual change in opinion, and because of that change will you brand a great body of good men with such gross epithets as have been applied to a similar change of opinion among another body of Christians? True, my right hon. Friend may say and think that such a matter as the connection of Church and State is of less importance than the doctrine of the Trinity; but, Sir, I very much doubt whether, if he had lived in the times of the original seceders, he would have found many of them to agree with him. In their opinion, the question of the connection of Church and State was a vital question. Again, the Wesleyan Methodists are very eager in their opposition to the Bill. Sir, is there nothing, I ask, in their history to make them uneasy upon such a point? I think I can refer to some matters well calculated to afford grounds for very bitter recrimination. What were the doctrines of that great and good man, the founder of their sect, upon the subject of the lay administration of the Sacrament? He told his congregation, when they wished for it, that it was a sin which he could never tolerate—which should never be committed with his consent—and in effect, I believe it never was performed during his lifetime. After his death, however, the feeling in favour of the lay administration of the Sacrament became very strong and very general; a Conference was applied for, was constituted, and after some discussion, it was determined that the request should be granted. What is the consequence? Why, every building, every chapel, every plot of ground belonging to the Wesleyans is, Sunday after Sunday, applied or misapplied to the performance of rites which the founder of the sect pronounced to be a sin and a heresy. But now, forsooth, these persons cry out loudly that it is a fraud, downright fraud, when the opinions of congregations change with the lapse of time, and are modified by the progress of events, that they should be permitted to retain their original endowments. If we refuse to pass this Bill, the quantity of litigation which will arise you can hardly dream of. I own that, as I said before, it is painful for me to see the manner in which this Bill has been opposed and the quarter from which much of that opposition proceeds. That of the Church is mild in comparison with that of other religious bodies, and yet the opposition of the Church party is certainly more excuseable than the opposition of Dissenting bodies. Nothing is more natural than that the power of dominion, the habit of exercising authority, and that of treating religious bodies out of the Church as inferior to its members—nothing is more natural than that all this should produce great and grave faults. In the constitution of human nature it is hardly possible but that the high Church party, strong in their great endowments, in their power of affecting seats in Parliament, in the influ-

ence and effect of their old Universities, and accustomed, as I said before, to look with somewhat of disdain on other sects —it is hardly possible, but at all events it is not astonishing, that such a party should set itself up against the principle of religious liberty; not that I approve of that, but it is almost what I expect. But, Sir, I am astonished that persons who have been over and over again compelled to invoke the principles of civil and religious liberty in their own behalf, should now cry out against this application of them. Sir, I have seen this conduct with astonishment, not unmingled with harsher feelings; but that which increases the astonishment, which deepens those feelings is, to hear from them this loud outcry of opposition at a moment when they themselves in a parallel case are imploring the interposition and protection of Parliament, and while they are demanding an *ex post facto* law for themselves, are opposing its application in the case of others. Sir, I allude to the question of Irish Presbyterian marriages. See how parallel the cases are: the Presbyterians have been marrying according to their own forms and rites for many years—so have the Unitarians been occupying property. In neither one case nor the other was any question raised for many years upon the subject—nothing occurred calculated to excite doubt or suspicion in the minds of the most honest or the most scrupulous person. Well then, about the same time arose both questions, and about the same time were they both decided. The Courts of Law, deeply feeling the responsibility and the necessity under which they lay of administering the law according to the letter of the law, decided that neither in the case of the celebration of Presbyterian marriages, nor in that of the possession of Unitarian chapels, could prescription avail against the letter of the law. Up got, immediately, the orthodox Trinitarian Dissenters; they first accused the lawyers who had pronounced this decision, and now they accuse the legislators who wish to relieve not only them, but other Dissenters from its effects. It was but the other day that I observed the oration of an eminent person amongst the Irish Presbyterians indignantly demanding whether, in the case of these marriages, old and forgotten laws were to be dug up and applied to times and to circumstances so different from those in which they were enacted; and yet in the course of a very few hours I find him urging the digging up and application of these very old and forgotten laws to another body of his fellow Christians. I should like to know how Presbyterian Dissenters would like the high Church party of England to take up the same tone towards them which they have thought proper to adopt in reference to their Unitarian brethren. Suppose the high Church party were to say, "We also have law upon our side. If the Unitarians are heretics, you are schismatics; and we refuse to give you the relief which you decline extending to them. You shall have no *ex post facto* law legalising the marriages celebrated by yourselves, if you refuse an *ex post facto* law to them legalising their possession of the chapels supported by themselves. If they are turned out, your marriages shall be invalid." How would you Presbyterian orthodox Dissenters like to be treated as you treat others? Great and just as is the importance which you attach to the point of doctrine which separates you from Unitarians, by your conduct you seem to have forgotton that it is not the whole sum and substance of Christianity, but that there is a text about "doing unto others as you would that others should do unto you." There is, however, certainly one distinction between the two cases. The Trinitarian Dissenters are a far more opulent and powerful body, and have means more likely to be applied and more easily applied to influence constituencies and affect seats than have the Unitarians. We know that that sect is small—that it is unpopular—that it can produce little effect upon elections; perhaps I may go so far as to say that it would probably be the best way to win public favour altogether to repudiate them and their doctrines; and therefore, if such be the case —if there be any person of an arbitrary nature and intolerant turn of mind, who wishes to enjoy the pleasure of persecution with perfect personal impunity—then I say that he can have no more excellent opportunity for the indulgence of his propensities than the present. For myself, Sir, I have taken up the doctrines of civil and religious liberty, not because they are popular, but because they are just; and the time may come, and it may come soon, when some of those who are now crying out against this Bill may be compelled to appeal to the principles on which

it rests; and if that shall be the case, then, Sir, I will attempt to prevent others from oppressing them, as I now seek to keep them from lording it over others. At present I contend against their intolerance in the same spirit as I may hereafter have to battle for their rights.

Mr. *Colquhoun* did not presume to answer the eloquent speech of the right hon. Gentleman, but he wished to state the reasons why he could not agree with his argument though he had admired his eloquence. The right hon. Gentleman had alluded to the manner in which congregations glided from one doctrine to another, and that difficulty of deciding doctrine surely pointed out the inefficiency of this Bill in stopping litigation. The right hon. Gentleman had talked of his tailor's bill. That was a thing easily defined, but perhaps not so easily settled—but it was clear, definite, having no shades; surely not to be compared with so fine, with so delicate, a matter as theology. He contended that the present measure would cause as much litigation as the present law. The right hon. Gentleman had asked who would venture to oppose the right of prescription? No one; no one with regard to private property; but with regard to public trusts the case was different. The right hon. Gentleman had again asked, who would violate the feelings of Unitarians by driving them from the chapels which contained the monuments of their deceased brethren; but he asked who would willingly see the pulpits of Matthew Henry, at Chester; of Newcombe, at Manchester; and of men equally distinguished, filled by others who advocated doctrines which they had denounced? He said, let the law in this case adjudicate between the contending parties, and let not the Members of that House step in to arrest the adjudication of the law. The right hon. Gentleman had intimated that the Unitarians were not wealthy or powerful; but he would observe, that they were distinguished by a peculiar acuteness, which indicated a high position in society, whereas the parties who were likely to suffer through this Bill, by the loss of their chapels, were neither affluent nor high in society. He could see no ground for the introduction of this Bill, and he thought it essentially impolitic, as it took away the property of the poor and applied it to the purposes of the wealthy, defeating at the same time the intentions of donors, by applying their property, which they originally bequeathed for the purpose of religious worship, to propagating opinions which, during their lifetime, they contended were erroneous.

Mr. *Bernal* complimented the hon. Member for the University of Oxford on the moderation of his views and argument. The hon. Member, in stating that he would not object to the first Clause of the Bill, had given up a great and most important principle. He had then proceeded to state that he was ready to adopt and frame a third Clause, if not *ipsissimis verbis* the same as the present, yet a clause which should reach cases of peculiar hardship. There was then but a slight difference between himself and the hon. Member. The only petition which he had presented on this subject, being a petition against the Bill, made him the more anxious to say a few words. He looked upon this as an honest measure on the part of the Government, and he thought that he and others, who all their lives had been opposed to hon. Gentlemen opposite, were called upon, not merely to second their efforts by a silent vote, but to come forward manfully and say, that they could not in their consciences agree in the sentiments of the petitioners. He thought that the clear and lucid statement of the hon. and learned Gentleman the Attorney General had in reality set the matter at rest. This Bill was not a robbery of the poor to benefit the rich. On looking at the language of most of the petitions which had been addressed to the House, it would be found that in those petitions there was not a slight infusion of the *odium theologicum*. Did the petitioners expect that noble Lords in the other House were to be legal automata, judicial manikins, and that because they felt bound to pronounce a decision in consonance with the rules of law, they were to be held absolved from all the rules of common sense, from all the rules of justice, when they addressed the other House in their character of legislators? Were they to forget that they owed something to the nation besides what they owed to their judicial station? He totally dissented from the doctrine that this Bill was adapted only to the case of the Unitarians; it might apply to many others who dissented from the doctrines of the Church of England, even to the great

body of those who had been so active in presenting petitions against it. Would the Wesleyans say, that they maintained so exactly the doctrines preached by Wesley, that their property could not be taken from them and appropriated to other purposes? Was any Gentleman who remembered the case of Lady Hewley's charity prepared to say, that as to the Wesleyans there could be no litigation! In one case it appeared that the Synod of Ulster had sought to dispossess parties who had held the property, by themselves and their ancestors, for a period of eighty years—who had laid out large sums in improvements—who had erected a new chapel, which had never been used but by Socinians, and in which Trinitarian doctrines had never been preached. Was his hon. friend (Sir R. Inglis) prepared to say, that in such a case, when every vestige of the original building had disappeared, that because there might be some doubt as to what were the religious views of the founder, and because Unitarianism was at the time of the foundation an offence against the law and subject to certain penalties, that therefore he would deprive those parties of the rights they had for so many years enjoyed? For what purpose too? To give those possessions to the Church of England? No. To the Baptists? No. To the Presbyterians? No. To the Muggletonians, to the Society of Friends? No; but to give them to no one could say whom. Did they suppose that, by applying such remedial measures as this to what had been called 2 per cent. of the Dissenters, they would advance the cause of Trinitarianism? Did his hon. Friend imagine that such a course would benefit the cause of religion, or alienate men's minds from Unitarian doctrines; or did he not conceive rather that it would be met as a system of persecution, and fan the flame of religious discord and sectarian animosity? His hon. Friend contended that the intentions of the founder should be carried out; yet he said he would legalise all endowments subsequent to the Toleration Act in the manner proposed. But would not that be going contrary to the will of the founders? Were they sure that, in fighting against opinions which, at the time of the foundation of the chapel, were floating about in embryo, they were not violating the *voluntas* of the donor, and were not equally committing a breach of trust? It ought not to be said that we presume to interfere where there is the slightest indication of the intention of the original donor; let there be eighty years usage of Socinianism, that will not avail if you show me one word in the original deed which points out a Trinitarian form of worship. It was said, that the Bill was a breach of trust. He (Mr. Bernal) was afraid the breach of trust was put forth merely as the *cheval de bataille*, but that the *odium theologicum* remained behind. As to the unconstitutional proceeding, as it was called, of establishing the principle of limitation in religious and charitable trusts, why his hon. Friend (Sir R. Inglis) had seen one after the other of the constitutional land-marks, as they used to be thought, swept away. The doctrine of *nullum tempus occurrit ecclesiæ* had been abolished. Who was the author of that measure? One of the most sober-minded judges who ever sat on the judgment seat, Lord Tenterden; he was not influenced by revolutionary nightmares; he fortified his decisions and judgments by good sound practical sense; he thought the time had arrived when the old maxim that time should not run against the rights of the Church, ought no longer to be held; and if that doctrine were applied to ordinary trusts, why not extend it a little further, and apply it to the cases of chapels where there was not a *scintilla* of proof of the intention of the original founder? To do this was only an act of common sense and of common justice. He again congratulated the hon. Member for the University of Oxford on the expression of his opinions, and hoped that when the Bill got into Committee, the hon. Member would be found voting with him.

Mr. *Milnes:* Sir, I rise to add a few words to what has been already said in favour of this Bill, and I am in some measure led to do so, from motives almost of a personal nature. This evening I presented to the House a Petition against this Bill, signed by all the Clergy of the borough which I have the honour to represent. A few nights ago my noble Friend and Colleague presented a Petition to the same effect, from almost all the leading inhabitants of that borough; and therefore, compelled as I am, by a sense of simple justice, to support Her Majesty's Government on the present occasion, I do hope that the House will permit me, as shortly as I can, to explain to them, what motives have forced

me to come to that decision, and, in so doing, I will do all in my power to avoid any repetition of the many admirable arguments which have been already urged. I own, Sir, that my first impulse in this matter has been derived from that great principle, enunciated by my right hon. Friend the Member for Edinburgh—from the feeling that this is a case, in which, above all others, our first consideration, and our first determination, should be, to do as we would be done by. I think that theological peculiarities are not, for a moment, to be put in comparison with such a principle as that, and that if I and other hon. Members were to indulge our own theological predilections by throwing out this measure, we should act in contravention of that principle; while, on the other hand, by acceding to it, we are practically carrying out one of the highest principles of Christianity. When, Sir, I as a Member of the Church of England, examine the tenure by which the Church of England holds that property, which she administers for the benefit of this country, I can discover no ground whatever, on which she holds it, that does not involve the acknowledgment of the principle of development in religious communities; and therefore, for that, among other reasons, I am led to vote to-night, with Her Majesty's Government. When I find that large sums of money, left by our Roman Catholic ancestors for the declared purpose of having masses said for the benefit of the souls of individuals—left for the purpose of endowing a peculiar chantry, and for purposes which cannot be brought within the comprehension of our ecclesiastical scheme—when I find that I can only reconcile to myself the application of those funds for the purposes of the Church of England, by a reference to the principle of development in religious communities, and to such a development as has rendered those funds inapplicable to the purposes for which they were originally intended—I am led to apply the same principle, as I think I ought, to the case before me; and when I do so, I am compelled to admit, that that same principle of development, the benefit of which I crave for that community to which I belong, ought to extend in a far greater degree to Dissenters, whose religious views differ from those which I, as a Churchman, entertain, but whose right of private judgment I freely acknowledge; and therefore I cannot refuse my assent to the present measure. Sir, it is very clear to me, that this question would never have come before us, but for one practical abuse, which has been so admirably expounded by my hon. and learned Friend, the Attorney-General. I think we shall find, that the general process of legislation in this country has been to allow laws to lie dormant, until some strong case of injury arises; and then we set about repealing them. I believe that at this very moment, there are laws existing against Roman Catholics, of the most extravagantly penal nature, but which remain peacefully upon the Statute-book, because nobody attempts to apply them. I know of a law imposing a penalty on persons for not going to church on Sunday. I had the pleasure of bringing that matter before the House, when an attempt was made to act on it, and if the House permit the Government to carry the Ecclesiastical Courts' Bill, it will be found that that remnant of ancient bigotry is done away with. I think that Lady Hewley's case brought the matter plainly and simply before us; and when we find the conclusion which was come to by different Judges, and by the House of Lords itself, with reference to that case—a conclusion which could not be avoided, as the law stood and now stands—when we find that case about to be followed by a large number of suits against the possessors of similar institutions—when we find a case so plain, so simple, and so repugnant to our notions of natural justice, as that of the Strand Street Chapel in Dublin—I say that Her Majesty's Government could not do less, than bring forward this Bill, and I only hope that they will persevere in passing it, notwithstanding all the opposition which has been, and which may yet be offered to it. I am sure, too, that when this measure is clearly before them, and when it is clearly understood by them, the Dissenters themselves will feel it to be one, in which they are as much interested as the Unitarian body. When they understand, that this Bill involves the great principle of religious liberty, the basis of all their institutions, I do hope, that they will at least abandon that violent tone which they have now assumed, and come to a calmer consideration of this measure. But, Sir, we find it stated occasionally, in Petitions presented to this House, that there is no necessity for this Bill, because it is not the intention of any of these

bodies to wrest from the Unitarians any of their present chapels. If that be so, what harm is done by the Bill? If that be so, will not things remain, after this Bill shall have passed, just in the same state as they were before its introduction? Then, Sir, we find statements made in the newspapers and elsewhere, that the proper title of this Bill should be, "The Unitarian Endowment Bill." It does not endow any body with a single shilling; and a denial of the measure, would be, in effect, a robbery of the Unitarians of all the sums which for years they have expended on these chapels. I do hope, Sir, that the feelings of opposition and dislike, with which this Bill has been regarded, will, when the circumstances which have led to its introduction are more generally known, disappear, and that the erroneous views which are entertained with regard to its application, will be cleared away. Let me for a moment direct the attention of the House to the effect which would be produced upon the religious feelings of the community, if such proceedings of ejectment as have been alluded to by the hon. Member who last addressed the House, should be carried out. What would be the feeling engendered, if these chapels were really taken away from the present holders of them, to be shut up, or at best delivered over to some other body? What natural feelings of indignation arise in our minds, when we hear of people being ejected harshly, from any property which they have long enjoyed! I do believe, Sir, that so far from such proceedings tending to the benefit of Orthodoxy in this country, their tendency would be to excite a sympathy for Unitarians and Unitarianism, such as is not felt at present. I think it would be felt by a large body in this country that the Unitarians were oppressed, because they were weak, because those opposing them were strong, and because Parliament had not the courage to come in and protect them. My hon. Friend rested very much on the very gradual process, by which these changes have been brought about. Now that argument appears to me to have a much stronger application on our side. He said, "would not the donors of these chapels have shrunk with horror from the notion of any misapplication of their funds to Anti-Trinitarian purposes?" Now, I have paid considerable attention to the history of this matter, and I do say, that every step I have taken in that inquiry has confirmed me in the belief, that the course I now take is the right one. I find that in the early part of the last century, which may be considered as the birth-time of the Unitarian controversy in England, that principle insinuated itself so gradually, not only into the Dissenting body, but into the Church itself, that I defy any one to tell at what period it came into our theology. I find that even Richard Baxter, when the matter was brought before him, as to the necessity of creeds, and when he was told that a Socinian or a Papist would subscribe the Lord's Prayer, the Creed, and Decalogue, answered, "So much the better, and the fitter to be a matter of concord,"—showing distinctly, that he did not attach the same importance to that ceremony, that was attached to it by the Church. I find, still earlier, the poet Milton denying that the doctrine of the Socinians was heretical. I also find that in the early part of this century these opinions had so far come into our theology, that even the Church of England itself was likely to become largely impregnated with Unitarian doctrines. I find Dr. Hey, the professor of Divinity in Cambridge, saying, "we and the Socinians are said to differ—but about what? Only about what we do not understand." And the language of Bishops Watson and Hoadly is of the same nature. I say, when these were the feelings of the dignitaries of the Church of England, is it unfair to believe, that this opinion and this doctrine was developing itself, imperceptibly, and without any imputation of fraud, among the Presbyterian Dissenters; at all events, to such an extent, as to afford a good foundation for the argument on which we now stand? Upon all these grounds, therefore, I am compelled to give my vote for Her Majesty's Government; and when I remember that I can number among my own ancestors some distinguished members of the Presbyterian party who afterwards adopted these Unitarian opinions, I do hope, that in my full belief in, and my loyalty to, the Church of England, I do not allow myself to be influenced by those opinions further than is just and natural, but that I shall be protected by that knowledge and by that connexion, from falling into the snare of what I must presume to call bigotry, into which so many persons whom I hold in high esteem have fallen. I implore the House to re-

member that this question is not now as if it had never been before brought forward. Whatever may be the decision of this House to-night, the question has been deeply agitated throughout the country. Virtuous and impassioned men will take it up; bad and dishonest men will take it up also. Unless you pass this great measure, you will have, in your religious communities, such a play of religious fanaticism, as has not for many years been witnessed in this country. You will have false suits instituted by all sorts of parties, who have no interest in the matter, except the chance of deriving gain; and I am afraid, that on all sides, you will have acts of recrimination also—the Unitarians inquiring how far the Wesleyans carry out the doctrines of John Wesley the Churchman, and how far the Independents carry out the doctrines of Harrison and of the Independents of the Commonwealth. I see no means of escaping from all this, unless the House shall be pleased to adopt the measure which has been proposed by Her Majesty's Ministers.

Mr. *Fox Maule* said, that differing as he did on this occasion from those with whom it had been his happiness to act on many occasions throughout his whole political life, he stood in a somewhat painful position. But he could assure the House, that he had not placed himself in that position without duly considering the question with which he had to deal, and it was only because it was his firm conviction, that if he agreed to the Bill, he should give his assent to an act of injustice, that he felt it to be his duty to oppose the Motion for the second reading. Nothing had given him more sincere pleasure than to find the opposition to the measure led by the hon. Baronet the Member for Oxford University, on the simple and plain ground of its being an Act incompatible with the Law and the Constitution; and that he had not attempted to throw into it any ingredient of polemical discussion. Far from wishing to depart from the course which his hon. Friend had so adopted, he should endeavour, in the remarks which he should feel it his duty to offer, to follow as nearly as he could in the hon. Baronet's steps. He concurred with the hon. Baronet that the House of Commons was no arena for polemical discussion: and no one would be more sorry than himself to see its time so occupied. When he saw arrayed in support of the Bill, such a force of legal talent as had sent it down from the other House of Parliament—when he saw that it had been supported in the House of Commons by men, from some of whom, however much he might differ in political matters generally, of whose high legal character and authority but one opinion could be entertained—he could not but feel some hesitation in speaking in the face of their decisions and their expressed opinions; yet, ignorant as he must profess himself to be, to a considerable degree, of the real position of the law, still his individual opinions upon the subject leading him to look upon the Bill as an act of injustice, he claimed, as an independent Member of Parliament, the privilege of voting according to his conviction. The Bill appeared to him to have for its main principle the introduction of a prescription of twenty-five years, in matters to which the law of prescription had not hitherto been applied, and it made the prescription of twenty-five years so for the first time introduced supersede the intentions of the founders of trusts for religious and charitable purposes. Now, so far as he was informed, there were now the means within the Law and Constitution of England, as they existed, of ascertaining as far as it was possible to do so, the intention of the original founders of such trusts, and of appropriating the funds to their original purpose. But it was said this would lead to expensive legislation, that might be; but that would be a reason to deter parties from unnecessarily disturbing the present possessors. But it seemed to him that not only was the Bill unjust, as likely to divert trusts from their legitimate purposes, but that it would be the means of checking the course of charity, and stopping up the channel of Christian benevolence. If they proceeded to tamper with the law in the way now proposed, it was his belief that they would prevent persons from founding trusts for religious and charitable purposes; for no man could know whether in the course of a few years, the trust would not be altogether diverted from the purposes for which it was established, and the funds devoted to the teaching and dissemination of doctrines which he deemed at variance with the truth. They were now about to apply the right of prescription to property of this description for the first time; and they proposed to do so upon the same principle as was already

applied to the tenure of other property, as estates and manorial rights. If that was the intention, he must, however, deny that they were following out the principle justly as respected the parties concerned. His right hon. Friend (Mr. Macaulay) had said that he knew of no law of prescription which was not retrospective: but his right hon. Friend and he differed, it would seem, as to the term "retrospective." He considered that in applying the Law of Prescription, no right should be taken from any man which he possessed at the time of passing the law of asserting his rights, and that the new law should not affect pending suits. Now all laws limiting prescription, as he was informed, and as he knew in some cases, have been prospective not retrospective in their operation to this extent, that the right of the parties to assert and make good their claims had been limited in some cases to one period, and in others to another. When he looked at the Statute of Limitations of James I., he found that that Act bore upon the face of it that from and after the passing of it, any person having any title or cause to pursue such writ as was alluded to in the Act should be bound to pursue it within a certain number of years after the passing of that Act. That was not the course adopted in this Bill. If it had been, he should not have given his opposition to that part of it. But then came the Statute of Limitations, by which property in Scotland was enjoyed, and in that a still more definite law was laid down, because there it was specially said that His Majesty, being careful that no persons who had any just claim should be prejudged of their action by the prescription of forty years (which now ran in Scotland), already run and expired before the date of that Act, granted full liberty and power to them to institute their said action within the space of thirteen years next following the date thereof, as effectually as if the same had been within the forty years prescribed by that Act. He maintained that in both those Acts regulating the Law of Prescription, a right was given to persons to follow up any interest they might have in any suit or action within a given time after the law was enacted. That, however, was not the case in the Bill now before the House. He granted that once such was the intention of the Bill; but it had been altered and framed so, that no person, having a claim under the present law to ascertain the intentions of the original founder of religious or charitable establishments, could have that right after this Bill was passed. As the Bill stood it would commit an act of injustice, to which he, for one, would not subscribe, and to which a large part of the nation were extremely and decidedly hostile. But it was said, if the Bill were not to pass, the law as it stood would lead to an enormity of litigation. Confining himself to the simple question of the claims made against the Unitarian body, and judging of the future from the past, he denied that any great amount of litigation would ensue. In England he believed but one case had arisen in which litigation had been resorted to for the purpose of recovering trust property from the possession of Unitarians, with the exception of a certain suit tried before Lord Eldon in 1817, in which the attempt was not to dispossess Unitarians, but the case was brought before the Courts of Law by a body of Unitarians in endeavouring to eject from a certain chapel a Trinitarian minister, who had obtained possession, and preached Trinitarian doctrines. The interminable maze through which a person must go when he got into these courts was, he thought, a sufficient guarantee that no one would willingly plunge into the mazes of Chancery without a perfect assurance that his cause was a just one, and that the law was on his side. It appeared to him that Her Majesty's Government might have been more decided about this Bill. There was no question that when it was first introduced the sting of it, so far as concerned the rights to property of certain persons, was not so malignant as at present; there was no question that when the Bill appeared in the House of Lords it did not touch the rights of persons having claimed under the law as it at present stood; and it was not until the Bill had been read a third time that quietly in a corner the 3rd Clause was so altered as to be stringent without precedent, and notoriously, as he said, unjust. He was informed that when the Bill was first introduced it did not even extend to Ireland; that so late as August last a deputation of the Moderator of the Synod of Ulster, and some others, waited upon the Lord Chancellor, and were informed by his Lordship that he had not at that time made up his mind to legis-

late on this subject: but that, when it was made up, he would inform that body who had some interest in the Bill. The first information that he gave them was a copy of that printed Bill after it was brought into the House of Lords, when the fact superseded his intention. But the noble Lord stated, that the Bill should not extend to Ireland before that body had had an opportunity of being heard against it before a Committee of the House of Lords. That body, however, had had no opportunity of being heard by themselves or their counsel against that part of the Bill which so materially affected them. But it was said that this Bill, and he believed it to be the case from all he could gather respecting it, was introduced mainly to meet two cases which were at present before the Courts of Ireland. There was no such case in England at the present time, and therefore it was a Bill in anticipation of cases in England, and against existing cases in Ireland. But much had been said of the hardships of cases in which actions were brought, the claimants having no connection with the property about which they were disputing, and who were, in fact, little better than common informers. If he was rightly informed, that was far from being the real fact; for instance, in the case of the Eustace-street Chapel, it was true that the plaintiffs came from Fermoy, and that they had little local connection with the chapel. But if he was rightly informed, they had a positive interest in the funds of the chapel, which gave them a right to interfere in case of their misapplication. Indeed, he believed that the Lord Chancellor, although he had not affixed his official seal to the judgment, had given an intimation of what that judgment ought to be, and was only suspending his judgment until Parliament should pass an act to supersede the rights of individuals who would be affected by it. This, he must say, he considered to be an act of withdrawal of justice which the House ought not to adopt. He (Mr. F. Maule) was not inclined at present to go into any question of creeds, the case for the House to consider was not what tenets this Bill would favour, nor what it would not. Of this he felt convinced, however, that so far from preventing litigation, this Bill would increase it to a vast extent. He knew that it would be useless for him to ask the House not to pass this measure, but he thought it his duty thus briefly to state the grounds upon which he was opposed to it.

Mr. *Gladstone* felt that he ought to apologise to the House for addressing them on a subject which did not come within his own peculiar official province; but as it was a question respecting which Her Majesty's Government had been supposed (and he believed with perfect sincerity) by many parties to have shown a most culpable disregard to the interests of religious truth, he thought it his duty to look at this question for the purpose of arriving at the best conclusion he could respecting it:—and having made up his mind that this Bill was one which it was incumbent on the House to pass, unless they were prepared to sacrifice their name and character for a want of regard to the sacred principles of justice, he must, and did desire to take his share in any responsibility connected with its introduction. He should distinguish, briefly, between the substantial purpose in view, and the legal instrument by which it was proposed to effect that purpose. He would not presume to make any remarks on the adaptation of the Bill, in any particular clause, or expression to attain any particular object, and therefore he should not enter into that portion of the question. He had before him a great question of justice; namely, whether those who were called Presbyterian Dissenters, and who were a century and a half ago universally of Trinitarian opinions, ought not to be protected at the present moment in the possession of the chapels which they held, with the appurtenances of those chapels? That was the substantial question of justice before the House, and on that question he should venture to propound the strongest opinion. The hon. Member for Oxford and the right hon. Gentleman opposite (Mr. F. Maule), had spoken against particular portions of the Bill, and had objected to some of the expressions in it; but their speeches did not contain one single argument on the justice of the question. They did not enter into the inquiry whether Unitarians ought to be protected in the possession of property originally given specifically for Unitarian purposes. But he was prepared to prove that, although the original founders of those meeting-houses might have been, and were, in the vast majority of instances, persons of Trinitarian opinions, yet, on the principles of justice, the present holders,

being Unitarians, ought to be protected. The hon. Member for Kent certainly did touch the principle of the Bill, but he did it in the way of mere assertion. The hon. Member used strong language, and said the opposition to this Bill was entitled to respect from the Government. He trusted the Government would pay respect to every opposition founded on sincere motives, and conducted by honourable men, but he thought the opposition to this Bill was less owing to what was called theological animosity than to misapprehension as to its nature. The hon. Member for Kent said this Bill was an insult to the Christian feeling of the country. He (Mr. Gladstone) would not reproach the hon. Member with any expression which he might use, because he knew there was not a particle of bitterness entering into the hon. Member's composition, even though it might appear in his language; but if the Bill be required by the principles of justice, then so far from its being an insult to the Christian feelings of the people, it was a Bill which the Christian feelings of the people should require the Legislature to enact. And they might depend upon it, that when the people of England should be made aware of the real nature of this question, as they would be by this night's discussion, their Christian feelings would make them demand of this House to give effect to the principle of justice embodied in the Bill. Great prejudice had accrued to this Bill in the public mind from an undefined association between the measure and the Lady Hewley case. It had been hastily and rashly assumed that the Bill was intended, substantially, to prevent the doing again what was done in that case: but, without pretending to look at the case with a legal eye, he saw broad and essential distinctions between the case of Lady Hewley and the general mass of cases to which the Bill was intended to apply. Lady Hewley was a foundress—a person entrusting a large portion of her property—not for her own benefit, but for certain purposes which she specified. But were the parties who instituted those other chapels founders of all? Were they entitled to be so considered in the eye of the law? He apprehended those parties were not applying the property to the benefit of others, but to their own benefit. The difference between those cases was broad and practical. He believed that the right which a founder had, to have his intention ascertained, respected, and obeyed, was a right entirely different from that which might be possessed by any number of persons associating together to form a body, of which themselves were to be the first members, the first to enjoy the benefits arising from that association, and which body was to be propagated, in the natural course of mortality, by the perpetual replenishing of succeeding generations. In the case of Lady Hewley, it could not be said there was no indication of the intention of the foundress. She, in her deed, made reference to the Apostles' Creed, the Ten Commandments, the Lord's Prayer, and a Catechism, running essentially into detail. But the Bill was dealing with cases in which no distinct, substantive, *bona fide* indication of the founder's intention had been given, or could be ascertained. On these two important grounds he (Mr. Gladstone) begged the House to put out of their minds the case of Lady Hewley, and to consider the Bill upon its own merits, and altogether apart from that case. He had presented petitions to the House from both parties. In a Petition from the General Baptist Church, a party favourable to the Bill, it was stated that although they had a good moral title to the property in their possession, they were in danger of losing it by a technical rule of law. The party opposed to the Bill, held the following language—he quoted from a pamphlet on the subject by Mr. Evans—"The present law says the will of the founder is to be observed, but the Bill says the will of the founder is not to be observed." He would pass by the question whether the parties who originated these chapels were founders or not—if they were not, it was impossible to make out the doctrine of breach of trust. If the present possessors were mere representatives of the first partners or associates in those congregations, it would be impossible to raise even a naked presumption that there was any obligation to perpetuate the opinions of those first associates. But he did not think it necessary to stand on the ground occupied by the Member for Edinburgh. The right hon. Gentleman appeared to allow, for argument sake, that though there might have been originally a case of fraud, still the present possessors, who were innocent of that fraud, should be protected in the enjoyment of

the property. He confessed, that if it could be shewn to his satisfaction that there was a case of fraud, he should feel that the matter was involved in great difficulty. He should have to consider a great many points telling in favour of the present holders of property. He should have to consider their possession of that property for a considerable length of time, their undoubted innocence, and freeness from all evil motive; the time during which their opinions prevailed—their personal succession, lineage and descent from the original institutors of those chapels; the insuperable difficulty of finding any other claimant with a good title; the indecency and scandal arising from going before legal persons with the view of obtaining possession of those properties; and, without meaning to give offence to any persons, he should have to consider, that while for one hundred years, on the average, Unitarian opinions were preached in those chapels, during which time the class of persons who now came forward proclaiming themselves to be the rightful possessors of those chapels, endured in silence the abuse of those trusts, and fought side by side and shoulder to shoulder with the Unitarians in their struggles for the civil franchise, and who derived great assistance from the Unitarian body in the exercise of that franchise, that class of persons had, during three or four generations, abstained from taking any legal steps for the recovery of those chapels, and, therefore, if there had been a breach of trust, he should still feel the case to be one of a most painful and difficult description. But had there been a breach of trust? The custom out of doors had been, not to prove the intention of the founders, but to assume it. At a recent meeting of merchants, bankers, and others on this subject, it was alleged that the first institutors of those chapels believed in the doctrine of the Trinity, and therefore the Unitarians were necessarily disqualified from holding the property. That was leaping over the gulf that contained the whole question. He was prepared to join issue with them on that point. So far from it being true that, as Mr. Evans expressed it, "The present law says the will of the founder is to be observed, and the Bill says the will of the founder is not to be observed," he believed that the will of the founders would be set aside unless the Government interfered by this Bill. In order to show that the Unitarians were disqualified, it was necessary to show, in the first place, both that the trustees held under the original institutions of those chapels as under founders; and likewise, that the intention of those parties who first associated themselves together was to bind their posterity permanently to the same profession of faith which they themselves held. In considering this subject it would be necessary to raise an historical question of very great importance. Here the opponents of the Bill would find a most insuperable difficulty. The House must bear in mind that they were dealing with a body which they would find, on examining its history, had been from generation to generation, and almost from year to year, during the 17th and 18th centuries, in a state of perpetual change. The House must take into consideration the direction religious inquiry was taking in the body of Puritans at the time these endowments were made; and he would beg to call their attention to some particulars illustrating this important subject. A very strong feeling he was aware prevailed out of doors with respect to this Bill; but he was sure that if it was proved to the people that the measure was designed to carry out the principles of justice, not only with respect to the present holders of chapels, also with regard to the intentions of those to whom they were originally established and endowed—the opposition which the Bill had hitherto encountered would speedily be abandoned. He would first ask, "Who are the parties into whose views we ought to institute an investigation?" Was it the body of Presbyterians as existing previously to the Act of Toleration? Why, the Presbyterian body, which originally held the tenets of Calvin, had adopted Arminian doctrines at the period of the Act of Toleration. That body which, in 1643, adopted the Westminster Confession, in 1690 had abandoned it; and he could not find that, since that period, the Westminster Confession had been resumed by them. Such was the rapidity of the changes that had taken place amongst the Presbyterians. That was an important point for the consideration of the House. If a person without a creed had changed, there would be little ground for surprise; but when the persons who framed creeds were found departing from them, he could not resist the inference that they had strong reasons

for so doing, and that those reasons were satisfactory to the body at large at the time the change took place. In 1657, Baxter wrote a work in which he declared that he objected to all confessions of faith not couched in Scripture terms. That would exclude the use of the very term on which this controversy was supposed to hang. That was opening a wide door. He declared his objection to the use of any Creed in which phraseology otherwise than scriptural was used, and he stated that there never would be peace in Churches until the amount of Creeds was contracted and conformed to the language of Scripture. In this opinion and in these objections, eighty of the Dissenting Ministers in London concurred. He would, however, read on this subject an extremely curious passage of an earlier date—extracted from Mr. Cotton Mather's *History of the Pilgrim Fathers in New England;* and he would call on the House to observe the idea of Christianity, as a shifting, changing, advancing subject, contained in these passages. In the address of Mr. Robinson, the leader of the Presbyterians, delivered at Leyden, July, 1620, to the first planters of the Colony of New England, before they sailed for that country, was the following passage :—

"For my part, I cannot sufficiently bewail the condition of the reformed Churches, who are come to a period in religion; and will go at present no further than the instruments of their first reformation. The Lutherans can't be drawn to go beyond what Luther saw. Whatever part of his will our good God has imparted and revealed unto Calvin, they will die rather than embrace it. And the Calvinists, you see, stick fast where they were left by that great man of God, who yet saw not all things. This is a misery made to be lamented; for though they were burning and shining lights in their times, yet they penetrated not into the whole counsel of God, but were they now living, they would be as willing to embrace further light as that which they first received. I beseech you to remember it; it is an article of your Church covenant, that you will be ready to receive whatever truth shall be made known unto you from the written word of God. Remember that, and every other article of your most sacred covenant."

This was in those early days very important, and there they might find the seeds of all those progressive changes which had since been developed. It shewed how they might fall into error if the Parliament now adopted the views of the Dissenters of any one period as the sure guide as to what they were at present. The same deduction might be fairly made from the writings of other eminent leaders of the party at other periods of the history of the Presbyterians. Mr. Hallam tells us, at the beginning of the reign of William 3rd,—

"That the feeling of the Dissenting body, which originally had been one of resistance to particular forms imposed by authority, had at that period become rather a feeling of opposition to all Creeds and human compilations whatsoever."

But when were those foundations really made? The great mass of them, according to the Unitarian body, were made between 1690 and 1710. The Bishop of London coincided in that view. There was no public record to fix the time absolutely, but it might be safely assumed that the mass of those foundations were made in the twenty years succeeding the passing of the Toleration Act. But the parties by whom these foundations were instituted did not die on the very day on which they were made. Allowing to those founders the usual term of human life, they might assume that for some thirty years after the institution of the endowments—say till 1740—they were themselves alive, watching the progress of events, and approving of what took place, where no specific objection was made. He thought, then, in order to ascertain the intentions of the founders, they ought to look to the state of opinion in these religious bodies between 1690 and 1740. But between 1690 and 1740, two great antagonistic principles were in daily conflict. One of them was the authority of religion—the view that religious truth is something permanent and immutable. The other was that which relied exclusively on the supremacy of private judgment. These two principles were struggling against each other. The supremacy of private judgment, and the disinclination to tolerate, in any form, human interpolations of Scripture, were practically gaining the upper hand over the old principle. The House was aware that it was intended by the Toleration Act that parties availing themselves of that Act should subscribe, and that too in a most explicit form, to the doctrine of the Holy and Blessed Trinity. But what were the facts connected with the case of Dr. Calamy? His case was indeed a remarkable one. There could be no doubt but that Dr. Calamy was a most sincere man in his religious

opinions, and that he firmly believed in the doctrines of the Trinity; and the fact was, with reference to Dr. Calamy, that notwithstanding his known opinions on this subject, he never subscribed to them. Hallam, the historian, pronounced the Toleration Act but a scanty measure of justice. He stated, that the Toleration Act extended to Papists, as well as to those who denied the doctrine of the Holy Trinity, but was, in fact, inoperative till more tolerant practices grew up in the 18th century. It was pretty evident that, at that time amongst Dissenting bodies subscriptions to articles of faith had been practically dispensed with. Let the House consider what were the opinions of Baxter as declared in his latest work. Baxter was considered the leader of the Presbyterian body. He was a man of great virtues, of genius, and, as far as his active qualities were concerned, he deserved to take a high position. In 1689, Baxter was pressed to persuade the Dissenting body to submit to a subscription to the doctrine of the Trinity. The fact of Baxter being asked to do this clearly, convincingly, and satisfactorily established that there existed among the Dissenters strong elements against such a subscription. If the House would permit him, he would read the extract to which he referred, and which would shew the House in what sense and manner the Dissenters subscribed. It was contained in his "*Sense of the Articles of the Church of England.*"

"Wishing that God's own word were taken for the sufficient terms of our consent and concord, in order to union and communion, and knowing that the ambiguity of words and our common imperfection in the art of speaking do leave an uncertainty in the sense of most human writings till explained, and yet supposing that the authors of the articles meant them orthodoxly, that I may not seem needlessly scrupulous, I subscribe them, and that I may not be unconscionably rash in subscribing, I here tell all whom it may concern how I understand the words which I subscribe."

That was, he thought, a proof that there existed among the Dissenters an indisposition to subscribe, although Baxter had himself subscribed. He could not help calling the attention of the House to some facts connected with an earlier period, which all showed the tendency of man's mind to fix itself upon canons of Scripture. In 1648, the House was aware that an ordinance which passed the Long Parliament inflicted the penalty of death upon any person who started objections to the historical authority of any one of the books containing the Canon of Scripture. But he would pass to the period which followed the Revolution and the point he contended for was, that subscription was not generally required from the period of the Act of Toleration. In support of this assertion, he would refer them to a public document of the period, dated 1694. It was:—

"Heads of Agreement assented to by the United Ministers in and about London, formerly called Presbyterian and Congregational; not as a measure for any national constitution, but for the preservation of order in our congregations, that cannot come up to the common rule by law established.—As to what appertains to soundness of judgment in matters of faith, we esteem it sufficient that a Church acknowledge the Scriptures to be the Word of God, the perfect and only rule of faith and practice, and own either the doctrinal part of those commonly called the Articles of the Church of England, or the Confessions of Catechisms; shorter or longer, compiled by the Assembly at Westminster, or the Confession agreed on at the Savoy, to be agreeable to the said rule."

He certainly was not in a condition to say that subscription was repudiated at the period of the Toleration Act; but it certainly appeared that a subscription to articles of faith was no longer considered necessary, and was not insisted on for the ministers of religion. At the same time, he must observe that even those who signed the declaration could have no intention to bind their posterity. This was manifest from what he might term the foundation deeds, in which the trusts with respect to meeting-houses were declared in general terms. They stated that they believed certain points of faith and certain things to be true, still holding that they had the power upon conviction to retract that belief. Consistently with that caution and reserve, it was found that these Trusts in respect to their places of worship were created in terms and words the most general, not at all confounded or mixed up with anything like doctrinal tests or rules of faith. Hence he contended it was quite fair to raise by implication the principle that they objected to bind by means of any such doctrinal tests introduced into these trusts their posterity. He would now advert to two other points, to one of which this answer had been

made. It was said that those who declared those trusts, and were associated in those chapels, never specified the doctrine of the Trinity, because to question that doctrine was forbidden by law; but that was a bad compliment to the sagacity, foresight, and common sense of the parties by whom the trusts were drawn. Any one who had carefully looked into the history of that Church, and who had perceived the changes which had taken place during the last 200 years, from the period of 1640, when the existing rule of faith was upset by Archbishop Laud—the change again which took place in 1648, the Act of Uniformity in the year 1661, until the Act of 1689, when nonconformity had been recognised by law, would perceive that nothing was less to be expected from the concurrent evidence of all those changes than the establishment of the doctrine of a finality in religion. Indeed it was then impossible to expect any such thing, since at the time when some of these trust deeds were drawn up the most furious contests were carried on respecting the great doctrine of the Trinity. Two persons named Biddle and Irving came over, and openly disputed that essential doctrine, and clouds of pamphlets which it would require years to read, were issued upon the occasion. Indeed, from the period of the passing of the Toleration Act, up to the year 1710, a stream of polemical disquisitions on this question continued to pour from the public press of the day. These were, he thought, symptoms sufficiently plain, and capable of being made use of by Parliament to guide it at present in the course of its legislative duty. Such was the history of this liberty, or license, call it which they might, with respect to faith and belief. It was a conclusion at which they must arrive, that which was law in one year, for instance, in 1702, was not law in this respect in 1703. A Bill was introduced in 1718, which was to repeal the Acts in force against schism, and which was called "An Act to Strengthen the Protestant Established Church." In 1718 a Bill was brought forward by the Ministers, for the purpose of repealing the Restrictive Act of Queen Anne,—that was to say, portions of the Schism Act, and was called "A Bill for strengthening the Protestant Interest." That Bill passed a first and second reading in the House of Commons.

"The Order of the Day being read for the going into Committee of the whole House upon the Bill from the Lords 'For strengthening the Protestant,' &c., the Lord Guernsey moved, 'That it be an instruction to the said Committee, that they have power to receive a clause, that any person when he comes to take the oath of abjuration and other oaths, subsequent to the receiving of the sacrament, in order to his qualification, shall acknowledge that the holy Scriptures of the Old and New Testament were given by divine inspiration, and shall acknowledge his firm faith and belief in the ever blessed Trinity;' but the previous question being put, that 'the question be now put upon the said Motion,' it passed in the negative by ninety voices; several Members who voted against the Bill 'For strengthening the Protestant interest.' &c., having, notwithstanding their opposition to that Bill, voted also against the Amendment proposed by Lord Guernsey."

Now here was a declaration of doctrine in a simple form; but all the Dissenters of that day opposed Lord Guernsey's Clause; and did not that fact clearly point out what was the tendency of the Dissenting interest, at that most vital period of their history? It should be recollected that, at that period, the founders of these trust were alive, and could take care of their foundations, if their wish really was that their opinions should be perpetuated. It was about that time too, that the Salters' Hall controversy occurred. Two Dissenting ministers of Exeter, named Hallet and Pierce, were accused of preaching anti-Trinitarian doctrines, and it was a remarkable fact that, although they were condemned by their congregations, it was not because they had preached unchristian doctrines, but on account of their having fallen into errors which justified a withdrawal from their ministry. The resolutions passed on that occasion were as follows:—

"1. That there are some errors in doctrine, which are a sufficient ground for the people to withdraw from their ministers holding such errors.—2. (To deny the divinity of our Lord) 'is an error of that nature.' Hallet and Pierce dismissed. Meeting at Salters' Hall, from 'London and its vicinity,' Feb. 1719—carried by fifty-eight to fifty-seven, 'that a declaration concerning the Trinity should not be inserted in the paper of advices.'—March 3. Moved to declare belief in the Trinity apart from the 'advices.' 'The moderator, conceiving the Motion to be an interruption of business, which was then discussing, refused to put to the vote.' Sixty ministers withdraw and declare for themselves. The residue (some say a majority, some say a minority)

also declare but recommend to Exeter 'moderation, peace, and love.'—May. Ministers of the west meet—fifty-six subscribe the first article—nineteen refuse—headed by Hallett and Pierce."

If they kept in view the fact that the founders were alive when these proceedings occurred, it would be conclusive as to the question, and satisfy them, that in passing this measure they would not be violating the wishes of the founders. He troubled the House because he considered the subject important; but in what more he had to say he would be brief. There was one singular testimony to which he would refer; and he must say it was even more full than he could give in proof, not that non-subscription had been a fundamental principle, but that subscription had been long disused. He found that Mr. Wilson, who had taken a leading part in the Lady Hewley controversy, had declared—

"It is equally a matter of historical notoriety that the English Presbyterians of the time of Lady Hewley's charity, and subsequent thereto, refused to subscribe any tests, creeds, or declarations of faith, because they objected to bind themselves to the words and phrases of any human composition, as the Scotch Presbyterians of the Church of Scotland then did, and as the rev. Scotch petitioners in full communion with the Church of Scotland, and the said rev. Scotch petitioners in connexion with the Secession Church now do."

He had already referred to the sentiments of Dr. Calamy; but he was now about to quote the opinions of a much greater man, Dr. Doddridge, who gave a very clear account of his opinions. Dr. Calamy wrote a pamphlet in 1718 on the subject of the Salters' Hall contest. He was then engaged delivering lectures, and speaking of the party who solicited him to join in the controversy at Salters' Hall; what he said was:—

"I told him that, as for the true eternal divinity of the Lord Jesus Christ, I was very ready to declare for it at that time or any other, and durst not in conscience be at all backward to it; but I could upon good grounds assure him that that was not the point in question among those who were to meet together on the day following; that certain gentlemen behind the curtain had so influenced their respective friends, for two different ways and methods to which they severally inclined, that, as they appeared disposed, a fierce contention and a shameful breach was in my apprehension unavoidable. As to the grand matter which they contended about, I was entirely of the mind of the celebrated Mr. Chillingworth, who closes his preface to *The Religion of Protestants a safe Way to Salvation*, with these memorable words, 'Let all men believe the Scripture and that only, and endeavour to believe it in the true sense, and require no more of others; and they shall find this not only a better, but the only means to suppress heresy and restore unity. For he that believes the Scripture sincerely, and endeavours to believe in the true sense, cannot possibly be an heretic. And if no more than this were required of any man to make him capable of the Church's Communion, then all men so qualified, though they were different in opinion, yet, notwithstanding any such difference, must be of necessity one in communion.'"

They could not, he thought, have a more unequivocal or explicit declaration against subscription than this; but what was said by Dr. Doddridge? Why, Dr. Doddridge's words were signally explicit, and still more remarkable. He said:—

"I think we cannot be too careful not to give any countenance to that narrow spirit which has done so much mischief in the Christian Church. And what confusion would need amongst us, if those who were supposed to be of different sentiments, either in the Trinitarian, Calvinistical, or other controversies, were to be on both sides excluded from each other's pulpits."

He thought it was clear, then, from what took place in Parliament, from the proceedings of the meeting of Dissenting Ministers, and from the opinions of those who were the greatest ornament of the Dissenting Body, that before the death of those who had first associated for the establishment of Chapels, the belief in the Trinity had become an open question, and was not considered a test of religious belief. Those who looked into the history of the facts, must be convinced that those foundations were made on the understanding that the body benefitted should be left to its unrestrained private judgment. He did hope, therefore, not only that this Bill would pass, but that the feeling that prevailed out of doors would be allayed. The hon. Member for Kent himself could not tell them they were passing a Bill for the encouragement of error. If there were a question as to the right to an estate between a pious man and a profligate, to which it was proved, that the latter had the best title, would the hon. Member be deterred from adjudging the estate to the rightful owner, by being told that he would be encouraging error if he did so? Now, the duties of the Judge in that case corresponded to those which the House was

on this occasion called upon to perform. They were now called upon to adapt the law to the general principles of equity and justice. So far from feeling that there was any contrariety between his principles of religious belief and those on which legislation in this case ought to proceed, he said that the only use he could make of those principles was to apply them to the decisive performance of a great and important act—an act which, whether its consequences may be convenient or inconvenient, and he for one believed that the balance would be greatly on the side of convenience—was founded on the everlasting principles of truth and justice.

Mr. *Sheil*: I am delighted to hear from such high authority that this Bill is perfectly reconcileable with the strictest and the sternest principles of State conscience. I cannot doubt that the right hon. Gentleman, the champion of free-trade, will ere long become the advocate of the most unrestricted liberty of thought. It is very much to be regretted that the arguments which he has pressed upon the House to-night were not urged in Lady Hewley's case, for if they had been pressed with the clearness, the force, and the irresistible historical evidence which he has adduced in such powerful array, I cannot help thinking that the decision in Lady Hewley's case would have been different. I should not have ventured to interfere in this debate if any other Roman Catholic Member had spoken; but I think it right to avail myself—and I will do so with great brevity—of the opportunity which you, Sir, have given me, to state that the entire of that great and powerful community of which I have the honour of being a member, are, I believe to a man, in favour of this Bill; not, it is obvious, that they have any interest of a sectarian character, or that there is any question at stake in which they have any concern, but because they think that this measure is founded upon the great principle of religious toleration. Of whatever sins the Catholic Church may have been guilty when connected in an impure political contact with the State, the Irish Catholics are most thoroughly tolerant; for my own part, (and I am utterly Athanasian), I endeavour to associate with the lofty faith of the illustrious Bossuet, the gentleness and the charity of the merciful Fenelon. The Member for the University of Oxford, almost at the outset of the remarks which he made, intimated that the Prime Minister was about to incur the panegyric of those parties who were not his habitual supporters. Two things are plain—that the right hon. Baronet has no sort of motive in courting our support, and that we, on the other hand, have no sort of motive for making him the object of our unwonted panegyric. But, Sir, I have so thorough and complete a sense of the merits of this Bill, and of the pure, and high, and most honourable motives which have led to its introduction, that I cannot refrain from expressing my strong approbation of a measure, in the promotion of which, be it remarked (as the Attorney General stated at the commencement of his admirable speech, which was heard with so much gratification on all sides of the House), every one of the noble and learned persons in the other House who have held the office of Lord High Chancellor of England, by a rare coincidence of opinion, and with an almost emulous unanimity, zealously concurred. Although that fact has been adverted to before, I refer to it again, because, as it has been well said in the course of this debate, the great object is not to carry a majority in this House, but to carry a majority out of this House, and to disabuse the public mind of the erroneous impressions which, from the number of petitions presented, must, I conclude, exist with regard to the propriety of passing this Bill. The object of this Bill is to confirm the principle of toleration by which this great country is so eminently distinguished, and to put an end to those controversies in Courts of Justice which bring the most sacred subjects into a desecrating familiarity. The object of this Bill is to quiet possession where a number of years have elapsed, exceeding by five the period within which the right to bring an action in the case of private property is strictly confined. This Bill is founded upon the principle of analogous limitation. It is a Spiritual Act of Settlement, of which in Ireland we stand in great need; and of that need what stronger proof could I have than the case to which the hon. Baronet, the Member for the University of Oxford, reluctantly adverted—the case of Mary Armstrong? It is a principle of equity, of subtle equity, that if there be an original trust, every subsequent donation, though it may be made with a different intent, attaches

to and is attracted (if I may use the phrase) by the original trust. What is the consequence? That when once it is proved that a trust was Trinitarian, a subsequent Unitarian gift becomes identified with and is to be applied to the purposes of that trust. That is the case of Mary Armstrong. Her husband became the pastor of a Unitarian congregation in 1806. He died in 1839. A small fund for pastors' widows was created in the interval, in a great measure by the sisters of the present Lord Plunket, who is the son of a distinguished Arian minister. Out of that fund Mary Armstrong and her four daughters have received just enough to maintain the painful struggle between decency and privation. If this Bill is not passed, Mary Armstrong and her four daughters will be cast out, with Providence for their guide and Predestination for their comfort, upon the world. The hon. Baronet felt the force of that case. His good-nature—for in him the milk of human kindness has not been soured—got the better of his habitual predilections, and he suggested that a special clause should be introduced into the Bill for the protection of Mary Armstrong. The hon. Baronet will see upon reflection that that is a proposition which cannot be sustained. The case of Mary Armstrong is not a solitary instance. Hundreds of clergymen and their families will be deprived of the means of sustaining life if this Bill is not passed. But really, Sir, it is not of so much importance to shew what this Bill does do, as what it does not do. This Bill will not interfere with express trusts. Let the House bear that in mind. If a donor shall make an *explicit declaration* of his opinions on religious subjects, no matter how fantastical—if in any deed or will that he may execute, his intention is manifest, a Court of Equity, though a century shall have elapsed, will, after this Bill shall have passed, carry that intention into effect, and no time will run against that express trust. The law is not changed in this regard. But if a trust be not express—if it is to be elicited from circumstances—if it be mere matter of conjecture — the subject of judicial surmise, which it is not always easy to form, and resulting not unfrequently from a slight preponderance of probabilities, in a balance which it is difficult to adjust—in that case, after the lapse of twenty-five years of uninterrupted possession and of uninterrupted doctrine—in that case, and in that case only, will this Bill operate—in that case only will possession confer a title; and thus will the most iniquitous litigation be put down. Sir, this Bill is not confined to Unitarians. It does not make Unitarians the objects of especial favour. There is a cry against Unitarians through this country. At one time, you did not pursue an Unitarian when you had a Papist for your game, but now the sport is capital if a Socinian is to be hunted down. The object of this Bill, however, is not to extend privileges to any particular sect, but to confer equal protection upon all classes. There is no exception against Unitarians, there is no provision, on the other hand, in their favour. All are placed on a perfect level, and, by the bye, let me remind the House, that the distinction between Unitarian and Trinitarian in Ireland is an erroneous one. The separation of the Presbyterian body in Ireland was not connected with the question of the Trinity, as the right hon. Gentleman who had just sat down has distinctly proved. It was not on a question as to the Trinity that the Presbytery of Antrim separated from the rest of the Synod, but on the question of Non-subscription. It was not a question between Trinitarians and Anti-Trinitarians, but between subscribers and non-subscribers; one portion of the Presbyterian considering it necessary to subscribe the Confession of Westminster, and another portion being of opinion that the act of subscription was a relinquishment of liberty, and was at variance with the right of private judgment. But the conformers have taken advantage of the decision in Lady Hewley's case against the non-conformers, and because they differ in their interpretation of the Apostle's Creed, (though they both admit it,) the conformers are determined to avail themselves of a Court of Equity to reduce them to the lowest state of Apostolical destitution. This is a religious luxury in which the Trinitarians ought not to be indulged. This Bill, then, does not interfere with express trusts. It does not interfere with the Established Church. I cannot help being surprised that the hon. Baronet, the Member for the University of Oxford, not indeed the visible Head of the Church, but its fearless, undaunted, and dauntless champion, should have thought it his duty to inter-

fere in a case in which the Church has no concern. "From the vantage-ground of Truth," if I may venture to use an expression employed by Lord Bacon in translating from, or rather imitating, a passage in Lucretius (which the right hon. Baronet, the Secretary of State for the Home Department, quoted so happily a few nights ago, when the House was threatened with a calamity which there were 138 reasons for not inflicting,) "From the vantage-ground of Truth" all Dissenters should be viewed with equal disregard. And if by the right hon. Baronet, the Secretary of State for the Home Department, the words of the Latin Poet were justly quoted when he intimated that he would retire to the temple of the Wise (situate I suppose, in Cumberland), whence he would look down upon us in a spirit of philosophical commiseration, how much more aptly might the maxim of the great follower of Epicurus be adopted by the hon. Baronet, the Member for Oxford, who from the height of Orthodoxy, so clear and so serene, should look down upon the wanderers in Dissent with a feeling not unmingled with disdain, and should not condescend to mark the mazes in the labyrinth of aberration in which the wanderers have unhappily lost their way! From the summit of St. Peter's, the Catholic divine sees every conventicle upon a level: and from the cross of St. Paul's, (an imitation so close, that it is almost a copy,) the Member for Oxford, although not placed quite so high, should not be able from so great an elevation to distinguish, among the crowd of sectaries below, their different degrees of diminution. But I will venture to put a question to the hon. Baronet.—What I am about to suggest to him has been brought under my consideration by a notice which stands in the Order Book in the hon. Baronet's name—"Sir Robert Harry Inglis to insert in Section 7 (saving Royal Residences, Cathedrals, &c.) after the word 'erected,' the words, 'and the College of the Blessed Virgin Mary near Winchester.'"* Does not the hon. Baronet know that William of Wykeham was the founder of St. Mary's College in Oxford? Does he not know that William of Wykeham selected the Virgin Mary as his peculiar patroness?—that he gave directions that a ritual should be performed in honour of the Virgin, and that her statue should be placed in some high spot as a conspicuous intimation of his peculiar piety?—that he directed mass to be said three times a-day for the repose of his soul, and that an Ave Maria and Salve Regina should be every night performed in the choir? If in the case now before the House there has been a breach of trust, has there been no breach of trust in the case of William of Wykeham? At a meeting lately held at Exeter Hall, and under very peculiar auspices, a gentleman named Hamilton said, that if the saints in heaven (meaning thereby, no doubt, the Presbyterians) could only guess the desecrating purposes to which their donations were applied, their eyes would be dimmed with tears such as immortals weep. If William of Wykeham knew that the statue of the Virgin had been the subject of iconoclastic profanation—that his masses had been suppressed—and that a ritual in a modern tongue had been substituted for the ancient and imperishable language of Rome—if he were to hear—oh! worse than the demolition of the Virgin's statue—worse than the fall of her altars—worse than the suppression of the mass!—that his own College, founded by a Bull of Urban the Sixth, was now represented in the House of Commons by the terror of Cardinals, the dismay of the Vatican, the scourge of Rome,—how would William of Wykeham be amazed!—To the defrauded spirit of William of Wykeham (worth a hundred Lady Hewleys,) let restitution be made, and then you may consistently become the abettors of the orthodox Presbyterians; but until that be done, do not become the auxiliaries of men who desire to avail themselves of a Court of Equity to do a very signal wrong. Let us, for God's sake, put a stop to a spirit of litigation of a very peculiar character—litigation in which controversy and chicane are combined—in which the mysteries of Calvinism are rendered darker by the mystifications of jurisprudence—and in which the enthusiasm of orthodox solicitors is associated with the rapacity of acquisitive divines! It is surprising that men who are complaining of the existing Law of Marriage, and calling for a repeal of it, by which property may be affected, should themselves shew so little forbearance; it is wonderful that they will allow so small a portion of liberty to others, while they

* Amendment proposed by Sir R. H. Inglis, in Sect. 7 of Ecclesiastical Courts' Bill.

themselves demand it in so large a measure—that they, whose ancestors heroically suffered persecution almost to death, for their honourable adherence to that which they believed to be the truth, should be prompt to inflict pains and penalties—that they should seat themselves in the iron chair of Calvinistic infallibility—and that they should read the Book of Mercy by that lurid light with which Geneva was illuminated when Servetus was consumed.

Sir *Robert Peel*: Notwithstanding the preponderance of argument on one side of this question—a preponderance unexampled within my recollection of any former debates—I still should be unwilling to permit this debate to close without briefly expressing the grounds upon which I have determined, in conjunction with my Colleagues, to give this Bill a most decided and persevering support. I undertook to give that support under a very different impression with respect to ultimate success from that which I now entertain. I undertook to give my support to this Bill when I had good reason to doubt whether it could be conducted to a successful issue; but I did entertain so strong a belief in regard to the justice of the principle upon which the measure is founded, that I and my Colleagues were prepared to make other considerations subordinate to the fulfilment of that duty which appeared to impose upon us the obligation of sanctioning a Bill founded upon that principle. My opinion was formed without any elaborate consideration of the historical truths or strict investigation of the legal doctrines presented to me. With respect to the legal doctrines I assure the House I am not about to undervalue those great doctrines founded on the law of England. That great doctrine of trusts I dare to say ought to be held in general veneration and respect, but if there are any other doctrines imposing the necessity of inflicting a wrong, I will then look out for a remedy and a mode of obviating the injustice. First, because I think individual justice requires it; and, secondly, because in proportion to the importance of the doctrine, so in proportion is the necessity increased of not submitting that doctrine to the odium of being made the instrument of inflicting wrong. I think it would be injustice to permit any rule of the law to be applied, that the chapels now held by certain Dissenters from the doctrine of the Church of England shall be taken from them, and applied or given I know not to whom; and after their being so taken away from the present possessors, then will arise the most complicated questions, as to whom possession should devolve. I find that before 1813 there were a number of chapels founded with trust deeds, some of which expressed that the doctrines of the Trinity should be preached in those chapels, founded by those who dissented, indeed, from the Church of England, but who concurred with the Church in the maintenance of Trinitarian tenets. Now, when it was clearly expressed by the founder that the doctrine of the Trinity should be preached under that endowment, we do not intend to disturb the arrangement. The intention of the founder is, then, to remain perfectly intact. But there are other chapels where there is no intention expressed in the trust deed as to the nature of the doctrine to be preached. In the great majority of these deeds of endowment, the words are that the chapels are for the worship of Almighty God by Protestant Dissenters of the Presbyterian denomination. These being the words, there being nothing more expressed, am I, notwithstanding their prescriptive enjoyment, to dispossess those now in possession, and confer the endowment upon others? Would it not be inconsistent with justice? And am I to be called upon, from deference to any great doctrine of English law, to violate the first principle of justice, in order to maintain the technical application of the rule? I can perfectly well understand why the Unitarian founder said nothing of his intention. The law was against him. There was a motive for the concealment of his intention. It was wise in him to deal in generalities, because the law told him that if he made his endowment Unitarian, the foundation would be forfeited. But why should the Trinitarians, who meant to maintain the Trinity, remain silent as to their intentions? The doctrine of Unitarianism was repugnant to Trinitarian feelings, the law would respect their endowments, and if the intention existed, what motive could they have then in their trust deeds for expressing nothing more specific than that "the chapel was founded for the worship of Almighty God by Protestant Dissenters of the Presbyterian denomination?" Is it not more probable that the founders of those

chapels were hostile to any subscription whatsoever—that they wished to retain full freedom of opinion—that they objected to conform to any class, and that they therefore refused to bind their successors by any formula of particular doctrines—respecting in them that freedom of opinion which they claimed for themselves? And can I then with any justice, presuming that to be their intention—would it, I say, be showing a respect for the trust—a veneration for the intention of the founders, if I were to impute to them opinions and desires which they never entertained? I said that my determination to support this Bill was formed upon a knowledge of the injury which would result from its application in particular instances. I dare say every hon. Gentleman here, who refers for a moment to the locality which he represents, will find in some small retired nook some little unpretending chapel, to which, if he applied the rigours of the law, grievous injustice might be done. Each hon. Gentleman is conversant with his own locality. For myself, I represent a town in which there is an Unitarian chapel; it was founded in the year 1724 by an Unitarian, and it never was supposed that it was founded for the promotion of Trinitarian doctrines. For fifty-three years the minister held anti-Trinitarian doctrines, and I recollect the close of his life. There was but one single bequest for the endowment of that chapel, left by the daughter of that minister, previous to the year 1813. Perfect religious peace reigns amongst the constituency which I represent; we have Roman Catholic Establishments, Unitarian Establishments, Church of England Establishments, and chapels connected with the Church of England, yet we are altogether undisturbed by religious disputes. But, if you will let in, under a professed veneration for the doctrine of trusts, a speculative attorney—a speculative attorney, for the sake of costs, to bring that Unitarian chapel (circumstanced as I told you, with but one single bequest—and that bequest the bequest of the daughter of a professed Unitarian minister), and to carry the endowment into the Court of Chancery, the expense of the costs to be supported by the endowment, the speculative attorney is the only person to profit by it, because it is impossible that the Independents, or the Baptists, or the Wesleyan Methodists, can ever establish their title. Then, no doubt, you will extinguish the funds of the institution, and introduce religious discord into a community where religious peace before existed. But what is the case of Ireland? What is the case of the remonstrant Synod of Ulster? Will you permit the grievous infliction of the injury which will be inflicted if every chapel in connexion with the remonstrant Synod of Ulster, in Ireland, is to be made the subject of a suit in Chancery? What is the history of that remonstrant Synod? It has lost two chapels already, at an expense, in one case, of costs to the amount of 2,000*l*. Two chapels, I believe, have already been taken from them, and other suits are pending, and others will be commenced, if this Bill does not pass. In the year 1839 the separation took place. The remonstrants of Ulster, having previously professed Unitarian doctrines, separated frum the Presbyterian Synod, and the separation was made upon the distinct understanding that the remonstrant Synod should remain in possession of all the privileges and immunities enjoyed by them before. Their chapels then were in decay. The members of the congregation, however, since 1830, have repaired the chapels, rebuilt them, taken fresh sites, furnished additional burying-grounds, and have altogether much improved their condition. Not a word of disturbance was heard till after the decision in Lady Hewley's case, and then the principle which governed that decision induced persons who appeared to have no interest in the matter to bring actions against the remonstrant Synod of Ulster! To do what? To recover Trinitarian property? No; but to take from Unitarians the chapels they have built or enlarged, and the burial-grounds where their wives and parents and children are interred. The right hon. Gentleman says, they wished to reduce them to the lowest state of Apostolical destitution. Yes, but not on the principle that Apostolical destitution is a good thing. If the general rule were Apostolical destitution—if all derived their means from their preaching, and not from property, it might be all very well. But this proposition is, that one party shall have to bear the Apostolical destitution, and that the others shall benefit at their expense; and that is a proposition opposed to the first-principles of justice. Sir, an appeal was made last year to the Government by the Synod

of Ulster. It came through my noble Friend (Lord Stanley) and was signed by 40,000 persons. They represented that they were, on general principles, opposed to the present Administration, but that, looking at it as an executive Government, they were confident that we could not tolerate the wrong that was about to be done. They told us of the separation in 1829; they told us, too, the history of the widows for whom the Unitarians had founded that charity; and upon their statement I saw that the Legislature must ultimately interfere to prevent injustice being done by the strict application of the existing law. I can assure the right hon. Gentleman that the Government did not at that time contemplate separate legislation. When the hon. Gentleman the Member for Kendal last year introduced his Bill, the Irish Unitarians said, "Do not postpone the relief to the English Unitarians by the attempt to include us. We know there will be a combination of opponents if you attempt to give relief at the same time to the Unitarians of both parts of the United Kingdom. Let the English Unitarians now have the benefit of the law, we are content to wait." But the Government thought that it would appear to be, and that it would be, so unjust that one rule should be applied to the Unitarians of England and another to those of Ireland, that we deprecated altogether the passing of the Bill. We said, "Postpone it till the next Session; let the House of Lords consider the case on the principles of justice; and we entertain a hope that ultimately at least justice will be done to both sides." At the same time, we did what we could in the interval to effect a settlement by an amicable arrangement. We asked the Synod of Ulster to be guided by four Members of Parliament, to be selected from men of different parties. That offer was declined. I then earnestly advised that the Crown might be allowed to appoint commissioners to consider what ought to be done on the principle of equity; that the facts might be laid before Parliament, that we might have before us the history of the separation, and an account of the amount contributed by Unitarians. It is right, however, I should say that this proposal also was refused, and that the representatives of the Synod of Ulster would not consent to the Commission unless the Crown would stipulate to abide by the opinion of certain Chancery barristers, who were to decide the case according to the strict principles of equity. I had read the decision in the House of Lords in Lady Hewley's case, and the opinion of Lord Chancellor Sugden in another case, and I knew well, if these Chancery lawyers were bound to decide the case according to the strict principles of equity, there could be no doubt what that decision would be; and, therefore, I in my turn refused. If then the Ministers are now compelled by a sense of duty to come forward and ask for the interference of the Legislature, it is not until they have exhausted every effort to bring about an adjustment by means of an amicable settlement. Sir, I will not further enter into the discussion of this case. I will only repeat, that if you choose to apply the strict principles of justice, you will do in many cases very grievous wrong, and that you are not upholding the authority of the law, or securing veneration for its great principles and doctrines, if by the persevering maintenance of them you inflict injustice on any parties. I do not believe that in the part which I and my Colleagues are taking on this subject, we are inflicting any injury or doing any injustice to that great Establishment, the Church of England, whose interests and welfare we are bound to protect. I believe that it will more conduce to the character, and to the support of the Church of England, to appear in the amiable light of a mediator between the sects which dissent from that Church. The Church has no interest in the adjudication of this question. To the Church these funds cannot possibly belong. Is it not better, then, for the character of the Church of England, that it should say to these parties, "We don't want to profit by your weakness and dissensions, or to send you to a court of law, or to recur to that religious policy which was laid by a hundred years ago. We don't want to see repeated the exhibition which occurred in the case of Lady Hewley." I don't believe that it would be for the interests of the Church or of religion, that the religious opinions maintained by the founders of these chapels should undergo discussion in a court of law: but I do say that it will be for the character of the Church, having no interest in the question, to appear in the light of a mediator, attempting to do justice, and refusing to benefit by the dissensions

of those sects. Notwithstanding the obloquy that has been cast on the supporters of this Bill, and the imputations that have been made on their religious principles and opinions, I do believe, that after the lapse of a short time, they will no longer have any weight. This is not the place for the profession of religious opinions, and I am not sure that at any time the perfect sincerity of any religious opinions can be ascertained by the mere profession of them. The sincerity of our religious opinions is shown much better by our acts and conduct than by our declarations in any place, much more in a House of Parliament. The faith of the member of the Church of England rests on a totally different ground from that of those who are affected by this measure. Our hope of salvation rests on a different basis—but it is not inconsistent with the spirit and principles of our religion to bear in mind that although faith is great, and although hope is great, yet there is one thing that is at least as great, which is that comprehensive charity that induces us to be tolerant of opinions which we believe to be errors, but above all, to take care that we do not, on the ground of religious differences, which we dare not avow, act in the spirit of persecution by appealing to the doctrines of the law, and professing to maintain the principles of justice—to take care, I say, that we do not inflict the penalties of law in an apparent anxiety to maintain the law, but really on account of our being opposed in religious opinion to the persons on whom those penalties may fall.

Lord *J. Russell* said, I entirely agree with what the right hon. Baronet stated at the commencement of his speech, that there never was a case in this House, at least within my experience, a case in which the weight of an argument was so overwhelming in favour of one side and against the other. Therefore, I think it unnecessary to enter into any argument in support of this Bill, and merely rise from the strong feeling that I have that this Bill, having been brought in on sound principles of policy and justice, I ought to record my testimony in behalf of the measure itself, and of the conduct of the Government in bringing it in. With respect to the argument, I think that the clear and able statement of the Attorney General, whom, after a long absence, I am gratified to see reassuming his place in this House—and at the same time reassuming that lucid power of argument on whatever subject he treats, which so prominently distinguishes him—after that able argument, and after the brilliant speeches of my hon. Friends near me, it is unnecessary for me to enter at length into the question or to seek to add to the force of those arguments. My hon. Friend the Member for the University of Oxford, with great judgment, declared, at the commencement of his speech, that this was not a place for religious controversy, and that the question should be discussed as one of probity and justice. But my hon. Friend must be aware that the question has not been so treated by those whose petitions have been presented to this House. At the meeting presided over by my right hon. Friend (Mr. Fox Maule) the first resolution declared that this Bill was objectionable, because it interfered with the rights of property and contributed to the maintenance of a dangerous heresy. Now, if it interferes with the rights of property, throw it out on that ground; but if it be a just measure, and tend to support the rights of property, then do not throw it out because it may tend to maintain what is stated to be a dangerous heresy. I say, therefore, that those who have opposed the Bill have done so on two grounds, when one ought to have been sufficient. With respect to the ground as to rights of property, I cannot conceive it to be just, that with respect to individuals their rights should have prescription to plead in their favour, and that there should be no such claim in cases of the kind now under discussion. In questions of the kind before us, suits and litigation are likely to be more tedious and complicated, and their ultimate results tending to far more confusion. Suppose, for instance, it were a suit between individuals, a claim set up by an individual to be the heir of Sir Edward Coke; here, if the decision were adverse to the one party, some other member of the family might make the claim and obtain the property. But in the other case, after persons have held a chapel for more than a hundred years, through themselves, their fathers, and grandfathers, in uninterrupted succession, would you propose to take away the property from them though by the decision of a Court of Equity, it has been shown that there is no heir to whom you can transfer that property—you cannot say that there is any

person entitled to enter into possession of it. What, then, would be the consequence but endless confusion and litigation, comprehending discussions of the various minutiæ and modifications of creeds as to what had been the opinion of Presbyterians, Wesleyans, and other classes of Dissenters, at different times and at present? I say, therefore, Sir, that as a question of property, as a measure tending to settle the rights of property, this Bill is entitled to the support of the House, and without now entering farther into the general argument, that cordial support the measure shall receive from me.

Viscount *Sandon* had come down to the House strongly biassed in favour of the Bill, and all that he had heard had not shaken, but confirmed his opinion. But he wished to call the attention of the House and the Government to an important point which, he feared, might be overlooked. Care should be taken that while intending to maintain the right of private judgment for these congregations, the Bill did not impose a new test, and that in making possession for a given number of years the test of the intention of the founder, it did not bind down all congregations so that they should never hereafter be able to alter their opinions. Care should be taken that in future these congregations should have the same liberty that was intended to be given them by the Bill, and he feared this object had not been secured. In conclusion he would recommend the Government to consider whether a longer test term than twenty-five years possession might not be desirable.

The House divided on the question, that the word "now" stand part of the question—Ayes 307; Noes 117: Majority 190.

List of the AYES.

Acheson, Visct.
Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adare, Visct.
Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Allix, J. P.
Anson, hon. Col.
Archbold, R.
Arkwright, G.
Arundel and Surrey, Earl of
Astell, W.
Baillie, Col.
Baillie, H. J.
Bannerman, A.
Baring, hon. W. B.
Baring, rt. hn. F. T.
Baring, T.
Barnard, E. G.
Barneby, J.
Barrington, Visct.
Barron, Sir H. W.
Beckett, W.
Bell, J.
Bellew, R. M.
Bentinck, Lord G.
Bernal, R.
Blewitt, R. J.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bowes, J.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Bruce, Lord E.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, E.
Butler, hon. Col.
Butler, P. S.
Byng, G.
Byng, rt. hon. G. S.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Chapman, B.
Charteris, hon. F.
Chelsea, Visct.
Christie, W. D.
Chute, W. L. W.
Clay, Sir W.
Clerk, Sir G.
Clive, hon. R. H.
Cobden, R.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Corry, rt. hon. H.
Courtenay, Lord
Craig, W. G.
Crawford, W. S.
Cripps, W.
Currie, R.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Davies, D. A. S.
Denison, J. E.
Denison, E. B.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Drummond, H. H.
Dugdale, W. S.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Duncombe, T.
Duncombe, hon. A.
Dundas, F.
Dundas, hn. J. C.
East, J. B.
Easthope, Sir J.
Eaton, R. J.
Ebrington, Visct.
Eliot, Lord
Ellice, rt. hon. E.
Ellis, W.
Elphinstone, H.
Entwisle, W.
Escott, B.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Flower, Sir J.
Forester, hn G. C. W.
Forman, T. S.
Forster, M.
Fox, C. R.
Fremantle, rt. hn. Sir T.
French, F.
Gardner, J. D.
Gaskell, J. Milnes
Gibson, T. M.
Gisborne, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenaway, C.
Grey, rt. hn. Sir G.
Grimstone, Visct.
Grosvenor, Lord R.
Guest, Sir J.
Hale, R. B.
Halford, Sir H.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Heathcote, Sir W.
Herbert, hon. S.
Heron, Sir R.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hogg, J. W.
Hollond, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hoskins, K.
Howard, hn. C. W. G.
Howard, hon. J. K.
Howard, Lord
Howard, hn. E. G. G.
Howard, P. H.
Howard, hon. H.
Howick, Visct.
Hume, J.
Hurst, R. H.

Hutt, W.
Jermyn, Earl
Johnstone, Sir J.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Langston, J. H.
Langton, W. G.
Lascelles, hon. W. S.
Layard, Capt.
Leader, J. T.
Legh, G. C.
Lemon, Sir C.
Lennox, Lord A.
Leveson, Lord
Liddell, hon. H. T.
Lincoln, Earl of
Loch, J.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
McNeill, D.
Maher, N.
Mainwaring, T.
Mangles, R. D.
Marjoribanks, S.
Marsham, Visct.
Marsland, H.
Martin, J.
Martin, C. W.
Master, T. W. C.
Mildmay, H. St. J.
Milnes, R. M.
Mitcalfe, H.
Mitchell, T. A.
Mordaunt, Sir J.
Morris, D.
Morrison, J.
Muntz, G. F.
Murphy, F. S.
Napier, Sir C.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Connell, M.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Packe, C. W.
Paget, Col.
Paget, Lord A.
Palmerston, Vist.
Parker, J.
Patten, J. W.
Pattison, J.
Pechell, Capt.
Peel, rt. hn. Sir R.
Peel, J,
Pendarves, E. W. W.
Pennant, hon. Col.
Philips, M.
Phillpotts, J.
Plumridge, Capt.
Powell, Col.
Praed, W. T.
Pringle, A.
Protheroe, E.
Pulsford, R.
Pusey. P.
Rawdon, Col.
Redington, T. N.
Reid, Sir J. R.
Repton, G. W. J.
Rice, E. R.
Roebuck, J. A.
Ross, D. R.
Rumbold, C. E.
Rushbrooke, Col.
Russell, Lord J.
Sanderson, R.
Sandon, Visct.
Scholefield, J.
Scott, R.
Seymour, Lord
Seymour, Sir H. B.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, B.
Smith, J. A.
Smith, rt. hon. R. V.
Somerset, Lord G.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, W. V.
Stock, Mr. Serj.
Strickland, Sir G.
Strutt, E.
Sturt, H. C.
Sutton, hon. H. M.
Talbot, C. R. M.
Tancred, H. W.
Thesiger, Sir F.
Thornely, T.
Tollemache, hn. F. J.
Tomline, G.
Towneley, J.
Traill, G.
Trelawny, J. S.
Trench, Sir F. W.
Tufnell, H.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Watson, W. H.
Wemyss, Capt.
White, H.
Whitmore, T. C.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Wodehouse, E.
Wood, C.
Wood, Col. T.
Worsley, Lord
Wortley, hn. J. S.
Wortley, hn. J. S.
Wrightson, W. B.
Wyse, T.
Yorke, hon. E. T.
Yorke, H. R.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Acton, Col.
Adderley, C. B.
Antrobus, E.
Ashley, Lord
Baskerville, T. B. M.
Bateson, T.
Beresford, Major
Berkeley, hon. C.
Bernal, Capt.
Blackburne, J. I.
Blackstone, W. S.
Blandford, Marq. of
Boyd, J.
Brisco, M.
Broadley, H.
Brooke, Sir A. B.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C. M.
Chetwode, Sir J.
Cholmondeley, hn. H.
Colquhoun, J. C.
Colvile, C. R.
Copeland, Ald.
Cresswell, B.
Darby, G.
Dashwood, G. H.
Dawnay, hon. W. H.
Dick, Q.
Dickinson, F. H.
Drax, J. S. W. S. E.
Duncombe, hon. O.
Du Pre, C. G.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Fitzroy, hon. H.
Forbes, W.
Fuller, A. E.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Granger, T. C.
Greenall, P.
Grogan, E.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, G. A.
Hamilton, Lord C.
Hardy, J.
Harris, hon. Capt.
Heathcote, G. J.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Hillsborough, Earl of
Hornby, J.
Howard, Sir R
Hughes, W. B.
Humphery, Ald.
Hussey, A.
Hussey, T.
James, Sir W. C.
Jocelyn, Visct.
Jones, Capt.
Kemble, H.
Ker, D. S.
Kirk, P.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
McGeachy, F. A.
Manners, Lord C. S.
Marton, G.
Masterman, J.
Matheson, J.
Maule, rt. hon. F.
Maxwell, hn. J. P.
Miles, P. W. S.
Mundy, E. M.
Neeld, J.
Newdegate, C. N.
Newry, Visct.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Palmer, G.
Philipps, Sir R. B. P.
Polhill, F.
Pollington, Visct.
Rashleigh, W.
Rendlesham, Lord
Richards, R.
Rolleston, Col.
Round, C. G.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Smollett, A.
Stewart, P. M.
Thompson, Mr. Ald.
Tollemache, J.
Trollope, Sir J.
Turnor, C.
Tyrell, Sir J. T.
Verner, Col.
Vesey, hon. T.

TELLERS.

Wawn, J. T.	Inglis, Sir R. H.
Williams, T. P.	Plumptre, J. P.

Bill read a second time.

House adjourned at a quarter to one o'clock.

HOUSE OF LORDS,*

Friday, June 7, 1844.

MINUTES.] BILLS. *Public.*—3ª. and passed:—Assaults (Ireland); Gold and Silver Wares.

Private.—1ª. Nottingham (West Croft Canal) Improvement; Edinburgh, Leith, and Granton Railway.

2ª. Manchester Police; Manchester Improvement; Southampton Marsh Improvement; Rother Levels Drainage; South Eastern Railway; Whitehaven and Maryport Railway; Salisbury Branch Railway; South Devon Railway; Pulteney Town Harbour and Improvement.

Reported. — Earl of Guilford's Estate; Necton Tithes (Bishop of Norwich's).

3ª. and passed:—Cwm Celyn and Blaina Iron Company; Sheffield United Gas; Manchester Royal Infirmary.

PETITIONS PRESENTED. By Earl of Faversham, from Wycliffe, and several other places, for Protection to Agriculture.—By Earl of Powis, from Horsham, and a great number of other places, against the Union of St. Asaph and Bangor.—From Protestant Association of York, for Inquiry into the Course of Instruction adopted at Maynooth.—From Steeple Bumpstead, and 2 other places, against any further Grant to Maynooth. — From Dewsbury, against any Measure which shall Exempt Railways from the Payment of Parochial Rates.—From Clarks Bridge, and 5 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—By Lord Portman, from county of Somerset, for better Regulation of Remuneration paid to Clerks of the Peace. — By Lord Campbell, from Cupar, for Abolishing Religious Tests in Scotch Universities. — From Bradford, against, and from Prisoners confined in White Cross Street Prison, in favour of the Creditors and Debtors Bill.—From Moorfields, for Alteration of Law respecting Friendly Societies. — From Magilligan, and several other places, against the Dissenters Chapels Bill. —From Roman Catholics resident in London, in favour of the Repeal of the Roman Catholic Penal Acts.

IMPORT DUTIES.] The *Lord Chancellor* said, he hoped his noble Friend (Lord Monteagle) would postpone his Motion relative to Import Duties which stood for this evening to some future day. He was sure their Lordships would give his noble Friend ample opportunity for introducing his Motion. Any time, any hour, any day, which he might think proper to select would be agreed to. The object of the postponement in this instance was, that certain noble Lords might have an opportunity to pay respect to Her Majesty. Under these circumstances, he hoped that his noble Friend would accede to his suggestion.

Lord *Monteagle* said, that he anticipated that it might be convenient that his Motion should be postponed, and he came down to the House last evening, presuming that an application might be made to him on the subject. He was quite at the command of the House, and was ready either to bring on his Motion, or postpone it, as might be desired; but, at the same time, other noble Lords might not be so prepared; and when notice of a Motion had been frequently given and postponed, he feared he might be complained of, and that it might be thought that he had not acted with sufficient firmness. As far as he was concerned, he had no objection to the noble Lord and the noble Duke opposite, fixing the discussion for any night most convenient to themselves; but that which he wished to avoid was an apparent change of opinion, after having brought down noble Lords by a Notice of Motion, and postponing it at the last moment. He was afraid it might be thought that he undervalued the importance of the subject of the Motion. He did not undervalue the suggestion of the noble and learned Lord, but it was of the first importance that he should discharge the duty imposed upon him. He could only repeat that he was ready to postpone the Motion of which he had given notice, but it must be clearly understood that he was not responsible for such postponement.

The Duke of *Wellington* said, that previous to his arriving in town, he was not aware of the necessity of asking the noble Lord to postpone his Motion, or he would have informed him of it earlier, and he begged the noble Lord's pardon that the notice should have been given to him at so late an hour. He (the Duke of Wellington) was always in his place, and would be ready to appoint any day for the noble Lord's Motion.

Lord *Monteagle* believed that the question involved in this Motion could not be fairly and advantageously discussed if the House was not willing that it should be brought forward.

The *Lord Chancellor* said, he was much obliged to his noble Friend for having acceded to his suggestion.

Lord *Campbell* said, that such an occurrence as that which had led to this discussion might suggest the convenience of altering their hour of meeting. In

* His Majesty the King of Saxony entered the House shortly after their Lordships had assembled at five o'clock, and was accommodated with a seat between the Woolsack and the Bishops' Front Bench, being the point of the angle between them and what is technically termed "out of the House." Below the Throne several Members of the Commons appeared.

former times the House of Lords used to meet at eight o'clock in the morning. That would be an inconvenient time now no doubt, except to the noble Duke opposite (the Duke of Wellington), whose attendance in that House was more punctual than that of any other noble Lord, and he never left till the Motion of adjournment was put. The present hour of meeting led to most inconvenient results, because it was so shortly before the most important event of the day, and that event being considered of so much importance that such applications as had been made that evening led to the postponement of most important public business. But that was not all; when they did meet, and that important hour arrived, when it was near seven o'clock, both sides of the House were very much disposed to leave the House, and it was very difficult, he believed, to keep up a proper number to listen to their discussions. Upon a recent occasion, although three formed a quorum in that House, there was great danger of the House being counted out, because it had approached the hour of eight o'clock. He would, therefore, wish their Lordships to consider whether they might not meet at an earlier hour; and he was sure by such a change in the mode of conducting the business of the House great inconvenience would be obviated, and their business would be conducted in a much more satisfactory manner.

The Duke of *Wellington* said, that he should be ready to attend at any hour which the House might think most convenient for public business, but there were many noble Lords, and noble and learned Lords too, who had much to attend to besides the business of that House; he therefore thought that the present hour was the most convenient for all. Referring to the subject of the discussion, he begged to repeat that he knew nothing of the arrangements till that morning, and he should have no objection to fix on Monday or any other day which the noble Lord might wish for bringing on his Motion.

Order of the Day discharged and appointed for Thursday.

House adjourned till Monday.

HOUSE OF COMMONS,

Friday, June 7, 1844.

MINUTES.] BILLS. *Public.*—2°. Salmon Fisheries (Scotland).

Reported.—Vinegar and Glass Duties.

Private.—3°. and passed:—Edinburgh, Leith, and Granton Railway.

PETITIONS PRESENTED. By many hon. Members (108 Petitions), against the Dissenters Chapels Bill, and 27 in favour of same.—By several hon. Members (4), for Legalizing Dissenters Marriages (Ireland).—By Sir G. Strickland, from Brindle, for Inquiry (Roman Catholic Priests).—By Mr. Darby, from Hastings, against Union of Sees of St. Asaph and Bangor.—By Mr. T. Winn Knight (28), from Worcestershire, and by General Lygon (39), from the same, against Repeal of the Corn Laws.—By Mr. Wyse, from Royal Hibernian Academy, and Thos. Boys, for Encouragement of Art Unions.—By Mr. M. Sutton, from Cambridgeshire, and Huntingdonshire, for Compensation (County Courts Bill).—By Mr. O. Stanley, from Bodedern, in favour of County Courts Bill.—By Mr. Wyse, from Waterford, respecting Law of Fisheries.—By Mr. G. Duncan, from Dundee, for Abolishing Incorporated Trades.—By Mr. Mackinnon, from London, for regulating Interments.—By Mr. Grogan, from Chamber of Commerce, Dublin, respecting Railway Companies.—By Mr. Alderman Copeland, from Rhymney Iron Works, for a Registrar of Births.

SCINDE.] Mr. Speaker acquainted the House, that he had received from Lord Ellenborough the following Letter in respect to the Thanks of this House to Major General Sir Charles Napier, and to the Officers of the Army, both European and Native, serving under Sir Charles Napier, communicated to Lord Ellenborough by Mr. Speaker, in obedience to the commands of this House of the 12th day of February last:—

"Fort William, April 29, 1844.

"SIR,—I have the honour to acknowledge the receipt of your Letter of the 14th of February, transmitting to me for communication to Major General Sir Charles Napier, and to the Officers, Non-Commissioned Officers, and private Soldiers, both European and Native, under his command, the several Resolutions of the House of Commons, which convey to them respectively the Thanks and approbation of the House for their eminent services in Scinde.

"I shall have much gratification in making this communication to the Major General and his Army.

"I have the honour to remain, Sir,
"Your very faithful Servant,
"ELLENBOROUGH.

"The Right hon. the Speaker of
"the House of Commons."

DIVISION OF PARISHES (SCOTLAND).] On the Order of the Day for the House to go into a Committee on the Division of Parishes (Scotland) Bill,

The *Lord Advocate* said, he thought it would be convenient to the House if he were to give some explanation of the scope and objects of this Bill. The principal object was to facilitate the division of large parishes in Scotland, and when necessary, the erection of new ones, with separate endowments, manses, glebes, and so forth.

He was not introducing any new principle into the law of Scotland, he merely wished to facilitate the doing of that for which the law had already provided. By a law passed in 1707, power was given to any Court then existing, to make division of parishes, but under certain restrictions, one more particularly requiring the consent of three-fourths of the heritors in valuation to such division. Under that Act a good many parishes were divided, and for a considerable time after its passing applications for division were frequent. But as the power existed only under certain conditions, especially that relating to the heritors, a great difficulty had hitherto stood in the way of division. Some parties were reluctant to interfere in matters of the kind, some were absent, and some were minors; and the object of the Bill was to obviate the inconvenience by providing that, instead of three-fourths of the heritors, a majority would be sufficient to justify an application for division. It seemed but just that a majority of those whose property would be affected by the division should have authority to apply to Court to do that act. He did not mean that an application so backed should be imperative on the Court; the Court would retain its power to refuse. His object was merely to facilitate the application. It sometimes happened that one parish contained two churches, and when that occurred, and when no new burthen was incurred, it was but reasonable that the Court should have power to erect one into a separate endowment, should the majority of the heritors require it. Accordingly, there was a provision in the Bill to that effect. By the law, as it now stood, when a parish was divided, a question arose as to the patronage of the new parish, and it was now given to the patron of the original parish, although he bore no part of the burthen. In the Bill he gave the right of presentation to the majority. It had lately been decided in Court, and confirmed on appeal to the House of Lords, that even when parties endowed parishes, such parishes could not be considered parishes *quoad spiritualia* without the consent of the heritors, and the Bill provided, that when districts were provided with a church and properly endowed by parties, they should constitute parishes of that description, whether the consent of the heritors had been obtained or not. He perceived, by four or five petitions, which had been presented, that some erroneous impressions were abroad respecting the tendency of the Bill on this point. It would seem that an impression was abroad that there was something in the Bill which gave to a certain number of persons who should have contributed to the erection of a church, to seize such church and apply it to the purposes of the Church of Scotland, notwithstanding the dissent and objection of other persons, few in number but also contributors, and having ceased to be connected with the Church of Scotland. That was a mistake; the Clause which bore on this point, merely provided that when there were two parishes united into one, or a parish in which a second church was erected and maintained by the heritors, it should also be considered and treated as a parish church. Neither did the Bill interfere in the matter of title, but left the matter to the decision of the Courts of Law, as before. Another part of the Bill empowered heirs of entail to burthen their estates, to a certain limited extent, for the erection of churches. There was another provision in the Bill, which was one of considerable importance. In many of the great towns in Scotland—Edinburgh, Glasgow, Perth, Paisley, Aberdeen, and others—there were resident a great number of the natives of the Highlands, who required to have the Gospel preached in the Gaelic language. Ministers who could preach in Gaelic, but had not the status of parish ministers, nor their congregations, however numerous, of parishes. The Bill gave a power of erecting such districts into parishes, *quoad sacra*, and of giving the minister the position of a parish minister. He believed he had now gone through the principal features of the Bill, and should conclude by moving that the House do now resolve itself into a Committee on the Bill.

On that question being put,

Mr. *F. Maule* said, that before the House proceeded to legislate on the Bill, some case ought to be made out showing its necessity. The learned Lord had, it was true, explained some parts of the measure which had not been understood, and removed some difficulties which had arisen in his mind as to other parts, but still he had not shown that there was any necessity for legislating on the subject at all. He had not shown any want of additional places of worship in Scotland, and after what had occurred in that country within the last 12 months, it was evident that additional church accommodation there was not necessary. Within 12

months not less than 800,000 persons had seceded from the Church in which they were now called on by this Bill to provide additional accommodation. Within the time he had named, not less than 500 places of worship had been erected within the four corners of that country. Let him not be misunderstood—he had no objection to do that which the Bill required, if any necessity for it could be shown. The 4th and 6th sections of the Bill were so vaguely worded that they had created great alarm in Scotland, as they seemed to imply that a right of possession was to be given to the establishment of the churches formerly erected in what were called *quoad sacra* parishes; and the Scotch Courts of Law had already pronounced that *quoad sacra* ministers were not in legal possession as ministers of parishes, and that the decisions of Presbyteries in which they had given their opinion were illegal; and no doubt, strictly speaking, they could not hold in point of law. He was, therefore, glad that the Lord Advocate had given such an explanation as must tend to allay that alarm. But his main objection to the Bill was, it was totally and entirely unnecessary. There was nothing in in it to recommend it, except so much as gave a *status* to parish ministers, and to ministers of certain churches in the Highlands and to Gaelic ministers in towns. He should, therefore, move that the Bill be committed that day six months.

Mr. *P. M. Stewart* wished the House to bear in mind, that though this appeared to be a mere Parish Bill, it was one of considerable importance to the country to which he belonged, it was also one of the most extraordinary attempts at legislation that had ever been made in that House. It was so extraordinary a measure and so flagrantly out of time, that he could scarcely believe Her Majesty's Government were in earnest with it. Before the Easter recess he had asked the right hon. Baronet the Home Secretary to delay this Bill until the feeling of the people of Scotland could be fully ascertained upon the subject, or at least until a case was made out to prove the necessity for such a measure. But the right hon. Baronet refused to accede to his request, and it passed a second reading under cover of a practice which had grown too common in the House, of letting Bills go through a second reading *pro forma*. Yet substantially, although the right hon. Baronet was so anxious to push on the Bill, it had not moved a step since that time. Really the House ought to be on its guard against this measure. The blind infatuation of the Government last Session had done considerable and irreparable mischief; it had caused the secession of 500 ministers, 2,000 elders, and nearly 1,000,000 members from the Church of Scotland. Yet the Government now proposed to extend church accommodation in that country. Suppose 5,000 of the ministers and 8,000,000 of the members of the Church of England, which was about the proportion in comparison to the secession from the Scotch Church—were to leave her communion, what would be said to a proposition immediately to increase church accommodation? Why, what was the present condition of the Church of Scotland? Pastors without flocks, and churches without ministers. It was extraordinary that the Government should attempt to increase church accommodation when the Establishment had lost two-thirds or one-half of its members. He hoped that the right hon. Baronet, who had refused to allow a little delay, would have, at least, the courtesy to explain why this measure was insisted upon? The effect of the measure with regard to heirs of estates would be most unjust, as it would tend to leave additional burdens on estates. The act of 1837 was no precedent for this measure, although it gave power to give sites for schools, for then there was a great need and outcry for new schools; but the same could not be said now with regard to churches.* He believed that the chief object of the Bill was to restore a man, estimable in character, and much distinguished for his political ardour and his religious zeal, to his *status* as a minister. It might as well be called a Bill for the division of parishes and the erection of churches in the moon as a Bill for doing so in Scotland; and he hoped, if nothing else could be done, that when the Speaker came to pronounce those final words which would fix the title of the Bill, it would be competent to move that it be called a Bill to shut the stable-door when the steed was stolen, and to make Dr. M'Leod a parish minister.

* The King of Saxony honoured the House of Commons with a visit during the speech of the rt. hon. Member. His Majesty occupied the chair of the Sergeant-at-Arms, and remained for some time listening to the debate.

Mr. *Hume* said, that the Bill was altogether uncalled for on the part of the people of Scotland, and was one to which he was altogether opposed. Nothing could be more objectionable than the Clause which gave a power to heirs to entail such a burthen on their successors as under this Bill they might. There were numerous Bills which were required by the country; and the Government, instead of bringing forward such Bills, introduced this, in order to take away the public attention from those which were really required; or, at all events, if that were not the intention of this measure, it would be one of the results of the discussions upon it. The people of Scotland, in fact, could scarcely believe that the Government would be so insane as to persevere with this measure, a measure which was calculated greatly to increase the religious agitation in Scotland, which it was of so much importance to diminish instead of augmenting. He hoped that the Government would pause before they proceeded further with this measure, and bring forward some Bill which was really required by the country.

Mr. *Ellice* said, that he looked on the Bill as one that was calculated to affect his property in a manner against which he ought to be protected. He had paid for property on the condition of being freed from future charges of this description, and now the charges on it were about to be increased by this Bill. The Bill appeared to be brought in at the suggestion of a certain obscure and unknown set of individuals in Edinburgh, and not in accordance with the wish of the people of Scotland. The effect of the Bill would be to attack the property of many individuals for the benefit of a remnant of the Church of Scotland.

Mr. *Wallace* did not know if there could be a better reason assigned for opposing the Bill than the fact that not one of the right hon. Gentlemen opposite had risen to support it when it was about to go to a division. He could not believe that there was not some truth in the observation of the hon. Member for Renfrew, that the object of the Bill was to confer advantage on particular individuals, and he hoped it would be received by the people of Scotland with the contempt which it deserved. The voice of the people of Scotland had been plainly in favour of a Free Church, and its ministers had already shown a good example to the drones belonging to the Established Church of the country. The Bill before them was a most useless and obnoxious Bill. He was surprised, agreeably surprised, at the great progress which the people of Scotland had made in their movement in favour of a Free Church, and he rejoiced in the success which had attended the course they took, although himself not belonging to it, but being a member of the Established Church of that country. This Bill he looked upon as an attempt to make a distinction between the Church of the people and the Church of the aristocracy. If the Bill went to so advanced a stage as to require the Speaker to put the question as to the title of it, the title which ought to be proposed was, a Bill for separating and dissevering the people of Scotland from one another, and preventing them from adhering to the Church of their forefathers, to which they had always so faithfully adhered in times of the greatest difficulty. The Bill was got up with an evil intention, and for a foul purpose, and he never opposed a Bill more willingly than this.

Sir *J. Graham:* Before the House went to a division, he wished to offer a few remarks. He was somewhat surprised to hear the hon. Gentleman who spoke last, state that he believed the Bill was introduced with a foul intention, and with an ulterior object, for he was at a loss to conceive upon what ground the hon. Member made that statement—it was a statement which the hon. Member ought to substantiate if he could before he ventured on such an assertion. They had now to discuss the principle of the Bill and not its details, and if they looked to the principle of the Bill they would find that it was not by any means objectionable. It was proposed by the hon. Member for Renfrew to change the title of this Bill, and in reference to that he should read the title, in order to enable the House to form a judgment as to whether any objection could lie against the object as indicated by that particular portion of the measure. The title was, "A Bill to facilitate the disjoining or dividing of extensive or populous parishes, and the erecting of new parishes in that part of the United Kingdom called Scotland." The hon. Member for Renfrew, however, appeared to think it was for a different object, and he stated that it was for a foul and corrupt purpose —namely, to give to a particular clergyman (of the Established Church of Scot-

land) in Glasgow, a *status* as a minister of the Church which he does not now enjoy. Now, with regard to that charge he (Sir J. Graham) would only say, that until the hon. Member now brought it forward he had never before heard the suspicion mentioned, he never knew it was entertained, and he took that opportunity of repudiating any such motive. Dr. M'Leod was an excellent minister, for whom he entertained sincere respect; but Dr. M'Leod sought no favors; he relied with just confidence on his merits. The hon. Member for Montrose said, that a new principle was introduced by the Bill—an Erastian principle; but he (Sir J. Graham) could assure the House that the principle of the Bill was not by any means a new principle—it was a principle which had been recognised in the best times of the Church of Scotland—which was recognised immediately after the settlement of the Kirk of Scotland, which was recognised in 1693 and in 1707, and it could not, therefore, be called a new principle. It was a Bill, the object of which was to give additional facilities in the disjoining or dividing of parishes, and to give a majority in value the power of agreeing to such a proceeding. At present three-fourths of the heritors must agree before a division could be made; in England, at present, the majority by which a division of a parish was agreed to, was a mere numerical majority; the Bill before the House did not require three-fourths of the heritors to agree, but did not, like in England, give the decision to a numerical majority. The Bill proposed that a majority of the heritors should be sufficient to agree, instead of three-fourths, as at present, but it required that there should be a majority of value. It was not a compulsory Bill, it was a permissive Bill. But, it was asked, where was the necessity for this Bill? It was intended to provide a competent mode of deciding upon the division of parishes, so as to meet the demand which now existed for such a measure. The right hon. Member for Perth had stated that upwards of 800,000 persons in Scotland had seceded last year from the Established Church of Scotland, and the hon. Member for Renfrew said that the seceders amounted to a million, and that a small remnant of the Church was all that remained. Now he must demur to the accuracy of both statements; and with respect to the apprehension that 120 Churches would be left without Ministers by that secession, he could assure the House that there had been no difficulty in finding new Ministers to fill those Churches—there had been no difficulty in finding suitable Ministers, who were received with gladness by the flocks to whom they were appointed—men in every respect competent to discharge the duties that were entrusted to them, and in every respect as well qualified as the Ministers who had gone forth. Notwithstanding the secession which had taken place, hon. Members would admit that it was just to give all proper facilities for the arrangement of parishes, with a view to the spiritual welfare of what had been called the remnant that was left, and to give every fair chance of ministering to the spiritual wants of the people. There were, for example, forty Highland parishes, which had been founded by the munificence of Parliament, and this Bill would give them the full rights which they did not now possess, and the Ministers appointed to them their full *status* in the Church Courts. He was quite confident that the House would not refuse its assent to a measure, the object of which was to secure these advantages to Highland parishes, and to manufacturing districts in Scotland—advantages in this respect which they did not now possess; and for this purpose it was proposed to place upon heirs of entail with the consent of the tenant for life, and of the heir next in succession, a limited amount of burthen. He had seen with regret the effects which had been produced amongst hon. Gentlemen opposite by the recent discussions with which the subject of the Church was connected. The right hon. Member for Perth and the hon. Member for Renfrew, who now objected to the discipline of the Church, whilst they still adhered to its doctrines, had been the advocates of Church extension; yet they opposed the principle of this Bill, and refused to give any facility to Church extension. That brought to his mind another inconsistency which he had noticed last night. The right hon. Member for Perth, who had been the advocate for the abolition of subscription to a particular Creed, when the subject of the Scotch Universities was before the House, was last night the bitter and unsparing opponent of the non-subscribers. [Mr. *Fox Maule:* "Order." The right hon. Member was referring to a former debate.] He clearly saw that he had touched on a sore point when he alluded to that inconsistency. He of course would bow with submission to the Speaker's authority. He should not proceed with any fur-

ther allusion to it. He was inclined to compassionate the feelings of the right hon. Gentleman; and all he should say was, that what he had adverted to showed how suddenly and speedily the bitterness of religious dissent operated upon opinions previously avowed and strongly entertained. His right hon. Friend at the head of the Government had given a distinct pledge that every facility would be afforded for Church extension in Scotland—that Church which had so long maintained, and would still, he trusted, maintain a place in the hearts and affections of the people. He (Sir James Graham) fully concurred in that pledge, and he would repeat it, that the Government would give every facility to that extension consistent with the principle of the existing institutions of Scotland. This Bill was brought forward in redemption of that pledge, and whatever objection might be made to any details of the measure, he could not conceive how there could be any objection to its principle. Alterations in detail might be made in Committee, but the House would recollect that they were now called upon to vote upon the principle of the Bill, a principle which would be found to be in perfect accordance with the early acts of the Church of Scotland, and which was to be applied most advantageously to the spiritual interests of the people, by giving a competent tribunal to decide upon the expediency of subdividing large and populous parishes, and by affording facilities for additional voluntary endowments. He trusted, therefore, the House would now decide on the principle alone, and he should say that he was satisfied the Government would be wanting in good faith as regarded the pledge they had given, and in their duty to the people of Scotland, if they had not brought forward a measure such as this, for the subdivision of large parishes in that country.

The House divided on the question, that the words proposed to be left out stand part of the question:—Ayes 113; Noes 59; Majority 54:

List of the AYES.

Acland, Sir T. D.
Acton, Col.
Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Bagge, W.
Baillie, Col.
Baring, T.
Beresford, Major
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Campbell, J. H.
Cardwell, E.
Chelsea, Visct.
Clayton, R. R.
Clerk, Sir G.
Colquhoun, J. C.
Copeland, Ald.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Douglas, Sir C. E.
Drummond, H. H.
Duncombe, hon. A.
Duncombe, hon. O.
Eaton, R. J.
Eliot, Lord
Farnham, E. B.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimston, Visct.
Grogan, E.
Hamilton, Lord C.
Harris, hon. Capt.
Hepburn, Sir T. B.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Hughes, W. B.
Hussey, A.
Hussey, T.
Irton, S.
Irving, J.
Jermyn, Earl
Jocelyn, Visct.
Knight, H. G.
Lawson, A.
Lefroy, A.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
M'Neill, D.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
Master, T. W. C.
Morgan, O.
Morgan, C.
Mundy, E. M.
Neeld, J.
Nicholl, rt. hn. J.
Oswald, A.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pringle, A.
Rolleston, Col.
Round, J.
Rushbrooke, Col.
Russell, C.
Sandon, Visct.
Sheppard, T.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Thesiger, Sir F.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Vesey, hon. T.
Whitmore, T. C.
Wortley, hon. J. S.

TELLERS,

Young, J.
Baring, H.

List of the NOES.

Barclay, D.
Baring, rt. hn. F. T.
Barnard, E. G.
Bouverie, hon. E. P.
Bowes, J.
Bowring, Dr.
Brotherton, J.
Clive, E. B.
Colebrooke, Sir T. E.
Collett, J.
Craig, W. G.
Crawford, W. S.
Dalrymple, Capt.
Dennistoun, J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Ellice, E.
Ellis, W.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Col.
Gisborne, T.
Grey, rt. hn. Sir G.
Hallyburton, Lord J. F. G.
Hastie, A.
Hawes, B.
Heathcoat, J.
Heron, Sir R.
Hill, Lord M.
Horsman, E.
Hume, J.
James, W.
Johnson, Gen.

Layard, Capt.	Strickland, Sir G.
Macaulay, rt. hn. T. B.	Traill, G.
Maher, N.	Trelawny, J. S.
Marjoribanks, S.	Tufnell, H.
Marsland, H.	Villiers, hon. C.
Martin, J.	Wallace, R.
Mitcalfe, H.	Wawn, J. T.
Morris, D.	Wemyss, Capt.
Muntz, G. F.	Wyse, T.
Napier, Sir C.	Yorke, H. R.
Ogle, S. C. H.	
Pulsford, R.	TELLERS.
Redington, T. N.	Maule, F.
Sheil, rt. hn. R. L.	Stewart, P.

House went into Committee.

On the first Clause being put,

Mr. *E. Ellice* opposed it as being an invasion of the rights of property, and a measure wholly uncalled for. He appealed to the Lord Advocate to bring forward any proof of the necessity of this change in the law.

The *Lord Advocate* said, that although the present Bill gave powers to the heritors of a majority of the valuation (instead of three-fourths as required by the present law), to make application to the Court for the subdivision of a parish, it should be remembered that the Court had power to reject the application if no sufficient reason was assigned for the subdivision, or if it would do injustice to any party. He asked whether it was probable that parties would seek to impose burthen and expense upon themselves if there was no need for it? He thought the capricious power of dissent vested in the hands of one fourth, by the present law, was much more likely to be abused than the power now proposed to be confided to upwards of one-half.

Mr. *Ellice* said his question, as to any instance of the necessity of a change caused by any such opposition of a minority, remained unanswered.

Mr. *Hume* said, that when so great an alteration was proposed, it was only proper that some example should be given of the object of the present law. He had no objection to any man endowing as many churches as he pleased, provided he did not come upon his neighbour, who had no interest in it, for the funds, and compel the Dissenter to pay for it, who had his own church to maintain. He thought it quite unreasonable that the House should be called upon to make so important an alteration on the mere *ipse dixit* of the learned Lord.

Sir *G. Clerk* expressed his surprise that the hon. Gentleman should have any doubt that there were parishes in Scotland which, from the extent of their surface or the enormous increase of population, were far beyond the superintendence of their own ministers. So great was the difficulty of subdividing parishes under the ecclesiastical law of Scotland, that scarcely a single parish had been subdivided in a period of nearly eighty years. Sufficient proof of the necessity of this subdivision was to be found in the number of chapels of ease which had been built, and the forty new churches erected by the Government.

Mr. *F. Maule* said, he should join with his hon. Friend in opposing this Clause, on the ground that no necessity had been shown for altering the present law. He confessed that he had, in 1835 or 1836, had an idea of legislating in the same way himself; but then the law had not decided that these *quoad sacra* parishes erected by the General Assembly were not *bonâ fide* parishes to all intents and purposes. They were a great expense to benevolent persons, and, for the purpose of meeting them halfway, he thought some coercion might be applied to the heritors to subdivide, but what he had intended was the consent, not of a majority of the valuation as proposed by the Government, but a majority of numbers. The circumstances, however, were now so totally altered, that he should not feel that he was liable to any imputation of inconsistency in not supporting even the proposition which he had then approved. In the present circumstances of Scotland there was scarcely any possible situation in which it was necessary that this principle should be applied.

Sir *James Graham* remarked that, in 1835, he and the right hon. Gentleman opposite agreed on this question. The right hon. Gentleman assented to the principle in 1835, and now he contended for an opposite principle—that of the hon. Member for St. Andrew's. As the right hon. Gentleman put the matter, the question was one merely of adhesion, or non-adhesion, to the Church, and the right hon. Gentleman was ready to go three times as far before as the present measure went.

Mr. *F. Maule* in explanation, denied that there was any question as to church principles; but that which was to be considered was, whether it were expedient in 1844 to apply the same principle to the

Church of Scotland, which might have been applied to it in 1835. That which he considered to be expedient in 1835, he thought was not expedient in 1844.

Mr. *Colquhoun* enumerated some of many instances occurring to his recollection, of places, the populations of which had been augmented by manufactures tenfold in comparison with what they were at the commencement of this century; rendering absolutely necessary a proportionate increase of church accommodation. The free church had been compelled to leave this spiritual destitution unrelieved from inability to endow ministers. This was just the inevitable effect of all "voluntary principle" systems like the free church however popular they might be for a time. And the agency of the Free Church had been absorbed by the wealthier districts, able to pay for its ministrations. The exigency thus existing it rested with the Legislature alone effectually to remedy. And no one had more powerfully exposed the utter inefficiency of the voluntary system than Dr. Chalmers. Mr. Allison had well expressed his opinion that it was pre-eminently the duty of the Legislature to favour religious establishments first in those districts in which poverty prevented the people from establishing places of worship for themselves, but in which they were most required.

Mr. *Hume* said, churches would do no good of themselves, and the physical condition of the people should be improved.

Mr. *Colquhoun* protested against its being represented that the diffusion of moral and religious instruction had not immediate effects in repressing crime. Dr. Chalmers had powerfully proved that the condition of the population had been vastly elevated by the efforts of parish ministrations.

Mr. *P. Stewart* asked if it were not singular such a measure should be required at a time when some 600 or 700 churches had just arisen, the result of the exertion of the last year or so? He declared it incorrect to affirm that the free church had directed its efforts to the more opulent portions of the towns. Even as a member of that church he regretted the extent to which the disruption of old associations had been carried in the unfortunate secessions from the Established Church. But he, at all events, believed that this measure, intended as one of church extension was quite unnecessary.

Mr. *E. Ellice* objected to the Clause on principle, and believed it would be utterly inoperative.

The Committee divided on the question that the Clause stand part of the Bill:—Ayes 52; Noes 20: Majority 32.

List of the AYES.

Adderley, C. B.	Hope, hon. C.
Arbuthnott, hon. H.	Hope, G. W.
Arkwright, G.	Johnstone, H.
Baillie, Col.	Lennox, Lord A.
Baring, hon. W. B.	Lincoln, Earl of
Boldero, H. G.	Lockhart, W.
Borthwick. P.	Mackenzie, W. F.
Bowles, Admiral	McNeill, D.
Clerk, Sir G.	Mainwaring, T.
Colquhoun, J. C.	Manners, Lord J.
Corry, rt. hon. H.	Martin, C. W.
Cripps, W.	Masterman, J.
Darby, G.	Morgan, C.
Douglas, Sir C. E.	Mundy, E. M.
Drummond, H. H.	Nicholl, rt. hon. J.
Eliot, Lord	Peel, J.
Flower, Sir J.	Shaw, rt. hon. F.
Forbes, W.	Smollett, A.
Freemantle, rt.hn.SirT.	Sutton, hn. H. M.
Gaskell, J. Milnes	Thesiger, Sir F.
Gladstone, rt.hn.W.E.	Trench, Sir F. W.
Gordon, hon. Capt.	Trotter, J.
Goulburn, rt. hon. H.	Vivian, J. E.
Greenall, P.	Whitmore, T.
Grimstone, Visct.	
Henley, J. W.	TELLERS.
Hepburn, Sir T. B.	Young, J.
Hodgson, R.	Pringle, A.

List of the NOES.

Aglionby, H. A.	Ewart, W.
Barnard, E. G.	Ferguson, Col.
Bouverie, hon. E. P.	Hume, J.
Bowring, Dr.	Stewart, P. M.
Brotherton, J.	Wakley, T.
Browne, hon. W.	Wallace, R.
Butler, hon. Col.	Wawn, J. T.
Colebrooke, Sir T. E.	Yorke, H. R.
Craig, W. G.	
Dalrymple, Capt.	TELLERS.
Dennistoun, J.	Ellice, E.
Duncan, G.	Maule, F.

Clause agreed to.

On Clause 8, "That it shall be lawful for any heritor or heir of entail to give and grant land for the site of such church, etc., not exceeding in the whole acres." It was proposed to fill the blank with the word "four."

Mr. *F. Maule* objected to the Clause. He thought it most unjust, that proprietors of estates in tail should have power to give sites of four acres to churches, with power to bind their successors. He proposed to insert as an Amendment, one acre and a half.

The *Lord Advocate* contended that the principle of the Clause was not new; it had been introduced in former Acts.

Committee divided on the question that the blank be filled up with the word "four": —Ayes 53; Noes 17: Majority 36.

List of the AYES.

A'Court, Capt.	Hope, hon. C.
Adderley, C. B.	Hope, G. W.
Arbuthnott, hon. H.	Johnstone, H.
Arkwright, G.	Lennox, Lord A.
Baillie, Col.	Lincoln, Earl of
Baring, hon. W. B.	Lockhart, W.
Boldero, H. G.	McGeachy, F. A.
Borthwick, P.	Mackenzie, W. F.
Bowles, Adm.	McNeill, D.
Clerk, Sir G.	Mainwaring, T.
Cripps, W.	Manners, Lord J.
Darby, G.	Martin, C. W.
Denison, E. B.	Masterman, J.
Drummond, H. H.	Mundy, E. M.
Egerton, W. T.	Nicholl, rt hon. J.
Eliot, Lord	Peel, J.
Flower, Sir J.	Pringle, A.
Forbes, W.	Round, J.
Fremantle, rt. hn. Sir T.	Shaw, rt. hon. F.
Gaskell, J. Milnes	Smollett, A.
Gladstone, rt. hn. W. E.	Sutton, hon. H. M.
Godson, R.	Thesiger, Sir F.
Gordon, hon. Capt.	Trench, Sir F. W.
Greenall, P.	Trotter, J.
Grimston, Visct.	Vivian, J. E.
Henley, J. W.	TELLERS.
Hepburn, Sir T. B.	Young, J.
Hodgson, R.	Baring, H.

List of the NOES.

Bouverie, hon. E. P.	Hume, J.
Brotherton, J.	Mitcalfe, H.
Browne, hon. W.	Mitchell, T. A.
Busfield, W.	Plumridge, Capt.
Colebrooke, Sir T. E.	Stewart, P. M.
Dalrymple, Capt.	Wakley, T.
Duncan, G.	Wawn, J. T.
Ellice, E.	TELLERS.
Ewart, W.	Maule, F.
Forster, M.	Wallace, R.

On the question that the Clause as amended stand part of the Bill,

Mr. *Bouverie* objected to the Clause altogether, unless its principle were extended to all denominations, and would divide the House against it.

Committee divided:—Ayes 57; Noes 16: Majority 41.

List of the AYES.

A'Court, Capt.	Balilie, Col.
Acton, Col.	Baring, hon. W. B.
Adderley, C. B.	Baskerville, T. B. M.
Arbuthnott, hon. H.	Boldero, H. G.
Arkwright, G.	Borthwick, P.
Bowles, Adm.	Lincoln, Earl of
Briscoe, M.	Lockhart, W.
Clerk, Sir G.	McGeachy, F. A.
Cripps W.	Mackenzie, W. F.
Darby, G.	McNeill, D.
Denison, E. B.	Mainwaring, T.
Drummond, H. H.	Manners, Lord J.
Duncombe, hon. A.	Martin, C. W.
Egerton. W. T.	Masterman, J.
Eliot, Lord	Mundy, E. M.
Flower, Sir J.	Nicholl, rt. hn. J.
Forbes, W.	Peel, J.
Forman, T. S.	Pringle, A.
Fremantle, rt. hn. Sir T.	Round, J.
Gaskell, J. Milnes	Shaw, rt. hn. F.
Gordon, hn. Capt.	Smollett, A.
Greenall, P.	Sutton, hon. H. M.
Grimston, Visct.	Thesiger, Sir F.
Henley, J. W.	Trench, Sir F. W.
Hepburn, Sir T. B.	Trotter, J.
Hodgson, R.	Vivian, J. E.
Hope, hn. C.	Wortley, hn. J. S.
Hope, G. W.	TELLERS.
Johnstone, H.	Young, J.
Lennox, Lord A.	Baring, H.

List of the NOES.

Brotherton, J.	Plumridge, Capt.
Browne, hon. W.	Stewart, P. M.
Busfield, W.	Trelawny, J. S.
Dalrymple, Capt.	Wakley, T.
Ellice, E.	Wallace, R.
Forster, M.	Wawn, J. T.
Hume, J.	
Maule, rt. hn. F.	TELLERS
Mitcalfe, H.	Colebrooke, Sir T.
Mitchell, T. A.	Bouverie, hn. E. P.

Remaining Clauses agreed to.

House resumed.

Bill to be reported.

House adjourned at ten o'clock.

HOUSE OF LORDS,

Monday, June 10, 1844.

MINUTES.] BILLS. *Public.*—1ª. Vinegar and Glass Duties.

2ª. Copyhold and Customary Tenure Acts Amendment.

Private.—1ª. Ashton, Staleybridge, and Liverpool Junction Railway; Sheffield (Ashton-under-Lyne and Staleybridge Branch) Railway; Eastern Union Railway; Southampton Improvement.

2ª. Hythe Landing Place (Hants); Preston and Wyre Docks; Lakenheath Drainage; Wells Lighting and Improvement.

Reported. — Swansea Harbour; London Gas Light Company; Stratford (Eastern Counties) and Thames Junction Railway; Leeds and Bradford Railway.

3ª. and passed:—Earl of Guilford's Estate; Necton Tithes (Bishop of Norwich's).

PETITIONS PRESENTED. By Lord Strafford, from Knowhead, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Howden, and 2 other places, against the Creditors and Debtors Bill.—By Marquess of Winchester, from Stockbridge, and 2 other places, for Protection to Agriculture.—By Bishop of Bangor, and Earl of Powis, from Cilian Ayron, and 9 other places, against the Union of St. Asaph and Bangor.—By Lord Cottenham, from Debtors in the County

Gaol at Morpeth, in favour of the Creditors and Debtors Bill; also from Debtors in the County Gaol of Dublin, for Extending the Provisions of the Bill to Ireland—By Marquess of Lansdowne, from the Royal Hibernian Academy, for Legalizing the proceedings of Art Unions.

NIGHT POACHING PREVENTION BILL.] THE Earl of *Stradbroke* moved the third Reading of the Night Poaching Prevention Bill.

The Earl of *Radnor* was of opinion, that the best way of getting rid of all legislation on this subject was to relieve the necessities of the people, by removing all restrictions on the importation of the necessaries of life. Unfortunate labourers were driven to these practices by distress.

Earl *Fitzhardinge* said, he was as anxious as his noble Friend to alleviate the distresses of the poor. This Bill, however, he thought a very necessary one. It was a measure that would not interfere with the honest and industrious poor. He could most truly state that during an experience of forty years in the county of Glocester, he had never known an instance where a party convicted of poaching was driven to the commission of that offence through distress or who could otherwise boast of a good character.

Bill read a third time, and sent back to the Commons with amendments.

CHESTER AND HOLYHEAD RAILWAY BILL.] On the Order of the Day being read for the Standing Orders on Private Bills to be considered with reference to the above Bill,

The Marquess of *Clanricarde* said, that as the report respecting the harbour of Holyhead was not yet before the House, he would postpone the Motion of which he had given notice for a Select Committee on the Bill till the end of the week.

Lord *Monteagle* strongly enforced the necessity of proceeding at once with this Bill and passing it, without waiting for any report on the subject of Holyhead harbour, which was a question entirely beside the Bill,and the two subjects ought not to be mixed up together. The Bill ought, in justice, to be proceeded with in the same manner as other private Bills.

The Earl of *Wicklow* also urged the propriety of proceeding with the measure. It would, in his opinion, be a very great hardship on the promoters of the undertaking to be put to the expense of keeping their witnesses in town day after day, merely to await a Report upon a matter with which they had nothing to do.

The Earl of *Dalhousie* observed, that this Bill had no immediate connection with the course the Government might adopt as to the harbour. He must observe, however, that the four distinguished naval officers who had been sent to survey Holyhead and the other harbour, unanimously concurred as to the superiority of the former, and Mr. Walker, the eminent engineer, concurred with them. In answer to the question of the noble Lord, he believed that he could undertake to say that if a continuous line of railway was completed between London and Holyhead, in a satisfactory manner, that the Government would be prepared to come down with a proposition in the other House for the grant of a sum of money for the improvement of Holyhead harbour, so as to make it a good packet harbour.

The Marquess of *Clanricarde* wanted to have defined what was meant by a "good packet harbour." He knew that Mr. Walker had proposed to make Holyhead a packet harbour, but not without expending many thousand pounds upon it, and then it would accommodate only two, or at most three vessels, drawing ten feet of water. Such packets might suit the Post office very well, because of their speed; but the House should have respect to passengers and to the public traffic. There ought to be, in fact, packets of a superior build. The only ground upon which Parliament was about to pass this Bill was, that Holyhead was the best point of communication between England and Ireland, which he did not doubt. But there was one respect in which the Bill was without a precedent, and that was a most important point, which the Committee should be directed to inquire into. It appeared that in this line there was a break of about eight miles, and there was a Clause which stated, that with the leave of an individual, Mr. Dawkins Pennant, a way might be opened from Bangor to the Menai Straits. The present plan was to bring the line to the foot of the Menai bridge, across which it was not to go. Should the Bill pass then in its present form, what guarantee, or what probability would there be, that the company would ever go to the great expense of making a bridge across the Menai Straits? That was a matter their Lordships should attend to at once, and insert

a Clause to decide it; because the company were not likely to erect a new bridge when the only power the House could hold over them—competition—was withdrawn. It was not a question of rival harbours, it was a question as to securing the most expeditious and convenient line of railway. A new bridge over the Menai Straits would be no impediment to navigation, and it would be idle for the company to set up such an excuse. There was the same objection at the time the present suspension bridge was projected. He did not wish this Bill to be stopped, but he wanted to see a new bridge carried over the Menai Straits in connection with the railroad.

The Earl of *Dalhousie* said, that after the fullest inquiry and examination, the Government was of opinion that Holyhead would be the most preferable harbour for the departure of the mails to Ireland. He had stated on a former occasion, and he would again state, that the Government were fully alive to the desirableness of facilitating the rapidity of communication between this country and Ireland, but the Government declined making any pledge as to the sum of money until a line of railway had been secured which would be most advantageous to the two countries. Upon the securing of such a line, the Government would be prepared to recommend to Parliament to grant such a sum as should make a good harbour, but it was impossible for him then to state what that sum should be. He would repeat that the Government required that there should be secured for the public the best line of communication, and they would then recommend the grant of such a sum as should make a good harbour, and saying this he had stated all that he could state.

Lord *Brougham* deprecated the House taking any course or interfering by any vote with the Standing Orders on Private Bills, or deviating from that system which had become the uniform practice of the House. If their Lordships once interfered in that way, and gave instructions to the Select Committees upon such Bills, he did not know how soon the system, which had been so long tried, which had met with the sanction of the Houses, which had worked so advantageously for all parties now about seven years, would be brought to an end. One instruction of the House to Select Committees after another might be given, if the Standing Orders on the subject were departed from, until the whole system fell to pieces, and the old practice, which had met with universal condemnation, again prevailed, of Peers being canvassed for their votes, and political feelings being pressed into the consideration of such questions, instead of the merits of the measures only being considered and acted upon. At present their Lordships' proceedings were judicial, and, as he had just said, the system worked well; he, therefore, ventured to express a hope that it would not in the present nor in the future instance, be departed from, for if it were, it would prevent its being adopted by the other House of Parliament in their proceedings with Private Bills.

The Marquess of *Lansdowne* said, he had no interest whatever one way or the other as regarded the Bill now under consideration, but he concurred with his noble and learned Friend who had preceded him, in considering that it would be highly inexpedient to depart from the practice which had been some time in operation, by giving instructions to Select Committees on Bills of that description. He (Lord Lansdowne) begged to suggest to his noble Friend, the noble Marquess who had opened this question, that as the explanation of the noble Earl opposite (Lord Dalhousie) was perfectly satisfactory, at least it was so to him (Lord Lansdowne), that his noble Friend would not persist in his Motion.

The Duke of *Wellington* said, if he understood it rightly, this was to be a railroad to Holyhead. It must be carried across the Menai Straits. He understood from a perusal of the Papers, that there had been a positive objection made to allowing it to be carried across the existing bridge. It must therefore, be carried across some other bridge. There must be some mode of passing the Menai Straits, and he thought it must be obvious to their Lordships that if some mode were not provided in that Bill, there was an end to the proposition. It didn't go to Holyhead—it was no longer a measure for carrying into execution the intention stated in the preamble, and therefore their Lordships of course, would not pass the Bill.

The Marquess of *Clanricarde* said, it had been proposed to carry the railroad over the present Menai-bridge, but that had been refused; it was then proposed

to carry the railroad to the foot of the bridge, and then to cross the straits by coaches to another station at Anglesea, where passengers would be re-shipped on to the railway. The railway went to the foot of the bridge, and no further, by the present Bill. He thought they should make it go to some other point.

Bill committed.

House adjourned.

HOUSE OF COMMONS,
Monday, June 10, 1844.

MINUTES.] BILLS. *Public.*—2°. Joinst Stock Companies Registration and Regulation; Joint Stock Companies Remedies at Law and in Equity.

Reported.—Dissenters Chapels; Savings' Banks; Parishes (Scotland).

3°. and passed:—Vinegar and Glass Duties.

Private.—2°. Pendleton, etc. Roads.

Reported.—Westminster and Lambeth Suspension Bridge; North Wales Mineral Railway.

3°. and passed:—Eastern Union Railway; Garnkirk, Glasgow, and Coatbridge Railway.

PETITIONS PRESENTED. By many hon. Members (110 Petitions), against Irish Registration Bill.—By Mr. M. O'Connell, from Mayo Co., for Repeal of the Union.—By Mr. W. Miles, from Shepton Mallet, against Abolition of Church Rates.—By Lord J. Manners, from certain persons, for Convocation of Clergy.—By many hon. Members (165), against Dissenters Chapels Bill.—By many hon. Members (17), in favour of Dissenters Chapels Bill.—By Viscount Courtenay, from Kingsbridge, against Ecclesiastical Courts Bill.—By Mr. Hale, from Yate, and by Mr. W. Miles, from Shepton Mallet, in favour of a Bishopric at Manchester.—By several hon. Members (11), for Legalizing Presbyterian Marriages.—By Mr. A. Smith, from Watton, for Suppression of Monasteries.—By several hon. Members (10), against Union of Sees of St. Asaph and Bangor.—By Mr. Bright, from Kettering, against Vestries in Churches Bill.—By Mr. Barneby (30), from Worcestershire, and by Viscount Courtney (34), from Southampton, against Repeal of Corn Laws.—By Mr. Price, from Radnor, in favour of Lime Toll Exemption Bill.—By Mr. Butler, from Kilkenny, against Renewal of Bank of Ireland Charter.—By Lord James Stuart, from Ayr, against Alterations in Banking (Scotland).—By Mr. W. Miles, from Somersetshire, for Compensation (County Courts Bill).—By Mr. Scholefield, from Spitalfields, for Alteration in Currency.—By Mr. Hodgson, from St. George's, Hanover Square, against Damage by Fire Bill.—By Mr. Butler, from Kilkenny, respecting Fisheries.—By several hon. Members (50), against Poor Law Bill.—By Lord Ashley, from Chulford, and Brimscombe, for Alteration of Law of Promiscuous Intercourse.—By Captain A'Court, from Tamworth, against Savings' Banks Bill.—By Sir G. Clerk, from Dalkeith, and by Mr. Hope Johnstone, from Lochmaber, and Penport, for ameliorating Condition of Schoolmasters (Scotland).—By Mr. Hutt, from Newcastle, against Smoke Prohibition Bill.

REGISTRATION BILL (IRELAND).] Mr. *Duncombe* wished the Government to state their intention with respect to the Registration (Ireland) Bill. Would they go on with it in the present Session, and if so, when?

Sir *R. Peel* did not mean when he said, on a former evening, that he would give such ample notice of the time for bringing on the Irish Registration Bill as would put every person in Her Majesty's dominions in the possession of the intentions of Government on the subject, the observation to be taken in its strictly literal sense. He meant that he would give such ample notice of the time for going on with the Bill as would be sufficient to give all concerned within the three kingdoms time enough to be present at its discussion. With respect to the hon. Member's first question—he would state that it was the intention of the Government to take the sense of the House on the Bill; but beyond that he could not say anything at present. There were other and very important measures which would take precedence of it.

COUNT OSTROWSKI.] Captain *Bernal*, seeing the right hon. the Home Secretary in his place, wished to ask him whether it had come to his knowledge, that Count Ostrowski, a Polish Officer, residing in the metropolis, had been taken into custody a few days ago, and with that degree of violence which in the case of a native of this country would be considered a flagrant violation of the liberty of the subject. That gentleman had not only been sent to prison, but all his papers had been seized and detained for some time in the possession of the police. He wished to know, whether these proceedings were by warrant, and whether the right hon. Baronet was at all aware of the case?

Sir *J. Graham* said, that the hon. Member had not done him the courtesy of giving him notice of his question. His attention had been called to the subject by what he had read in the ordinary channels of information. In consequence of what he had read of the case, he had made inquiries that morning of the Chief Commissioners of Police, and from them he learned, that from private information which they had received, of strong threats of personal violence used by Count Ostrowski, it was deemed right to have him taken into custody. When in custody, he was taken in the ordinary way, before a police magistrate, the charges were proved against him, and he was held to bail, and committed until bail was produced. If these proceedings were illegal, or that the law was violated in the mode of conducting them, the gentleman in question had his remedy in a Court of Law.

DON CARLOS — SPANISH AFFAIRS.] Mr. *Borthwick* said, he would take the opportunity, on reading the Order of the Day for the Committee on the Sugar

Duties Bill, of putting a few questions to the right hon. Baronet (Sir R. Peel) of which he had given him notice. The question he would first put was, whether any proposition had been submitted to Her Majesty's Government on behalf of Don Carlos, having for its object the tranquillization of Spain, by the marriage of his son to the Spanish Queen? Whether the proposition did not include an expressed willingness on the part of Don Carlos to consent to make important personal sacrifices? He would also ask, whether that proposition had not been communicated by Her Majesty's Government to that of Spain, whether the British Government had offered any opinion on it, or recommended it in any way to the Government of Spain, and what had been the answer, if any, of the Spanish Government with respect to it?

Sir *Robert Peel*, in answer to the question, said, that a communication had been made to the British Government on the part of Don Carlos. The communication was made in an indirect and informal manner, but perhaps that was the necessary result of the position of Don Carlos. The hon. Member asked if the object of the proposition was the tranquillization of Spain? That might have been the object of Don Carlos in making the communication, but the Government of this country were not of opinion that the probable effect of carrying the proposal into operation would necessarily be the tranquillization of Spain. The communication contained a proposition for a union between the eldest son of Don Carlos and the Queen of Spain, but the sacrifices which Don Carlos was ready to make, in order to effect that union were not very clearly or distinctly stated. It was not stated, for instance, whether Don Carlos was ready on his own behalf and on the part of his son to relinquish all claim to the throne of Spain. The course which the Government took on the receipt of that communication was to make the Government of Spain acquainted with the proposal of Don Carlos, on the principle that the Spanish people, represented by the Spanish Government, were competent alone to decide on the matter. A communication was at the same time made to the Government of France on the subject, but the Government of this country did not press upon the adoption of the Spanish Government the proposal which had been on behalf of Don Carlos, for they were of opinion that the differences in Spain were not merely differences relating to the personal claims of different competitors, but had rather a reference to the principles of the Government. They were of opinion that the great question in Spain was not merely one of succession to the throne, but of great constitutional principles. The Government of this country, did not, therefore, undertake to press the proposition, not being sure that it would satisfy the people of Spain, and they left it to the Government of that country, as the guardians of the interests of the people of Spain to decide upon it. The proposition was now in the hands of the Spanish Government.

Viscount *Palmerston* said, if he understood the right hon. Baronet, the opinion of the Government was, that the arrangement proposed was not calculated to effect the object which it professed to aim at, namely, the tranquillization of Spain. He wished to ask the right hon. Baronet if the British Government, in making that communication, had expressed their opinion that the effect of the tranquillization of Spain would not be likely to result from it; or whether they simply made themselves the channel of communication with the Spanish Government.

Sir *Robert Peel* said, the communication proposed a marriage between the son of Don Carlos and the Queen of Spain, but what concessions Don Carlos was disposed to make in order to effect that arrangement were not stated expressly or distinctly; for example, it was not stated whether or not Don Carlos would consent to waive on his own behalf, and on that of his son, any claim by right of succession to the throne of Spain. It was not made in a regular form or through an official channel. The proposal was indirect, but that was, perhaps, the necessary consequence of Don Carlos having no representative at our Court. The Government of this country contented themselves with communicating that proposal to the Spanish Government, but they did not express any opinion in favour of the acceptance of the proposal, because they did not think that it was likely to effect the tranquillization of Spain. It appeared to this Government that the differences existing in Spain were not differences with regard to questions of succession, but differences with regard to the principles of government. This Go-

vernment had not used any means to defeat the proposal or to support it.

Viscount *Palmerston* agreed with the right hon. Baronet as to his views with respect to the proposition, but he should remark that the mere fact of the British Government transmitting the proposal to the Court of Spain, to which it was not bound to send it, would seem *primâ facie* to bear the appearance that the proposal was regarded favourably by the British Government. He wished, therefore, to know if the British Government had given any indication of the unfavourable light in which they viewed the proposal in order that they might not mislead the Government of Spain.

Sir *R. Peel* said, they thought it their duty, as a friendly Government, to send the communication to Spain, but it was quite impossible that the Spanish Government could suppose the British Government recommended its adoption, or that they entertained the opinion that carrying it into effect would produce the tranquillization of Spain.

Lord *J. Manners* wished the right hon. Baronet to state if there was any ambiguity in the proposal.

Sir *R. Peel* said, no direct statement was made on the part of Don Carlos that he would waive any personal claim to the throne, but even if he were to waive his personal claim, and not the claim on the part of his eldest son, that would, he apprehended, be no waiver to the claims of hereditary right to the throne. There was, therefore, no distinct statement that conditionally on the marriage he would waive any claim on his own part, or that of the Prince of Asturias.

Sugar Duties.] On the question that the Speaker do leave the Chair for the House to go into Committee upon the Sugar Duties Bill,

Mr. *James* said, he hoped the House would indulge him with its attention for a short time, whilst he addressed a few observations to them previous to going into Committee upon the Sugar Duties Bill. He was, unfortunately, one of those persons called West India proprietors, and he was not so through any fault of his own. He was a West India proprietor because, somewhere about a century since, an ancestor of his, relying on the faith of the Government of that day, did invest a considerable amount of capital in the purchase of a West India estate in the island of Jamaica; and he did so, perhaps, under the impression that future Governments would not interfere to injure, much less to utterly destroy, the value of that property. He proposed to avail himself of that opportunity to state to the House some facts connected with the position in which the West India proprietors were now placed, and in doing so he should state his conviction that only a few Members of that House were acquainted with the facts of the case as regarded the West India proprietors, or the unfortunate condition in which the West India proprietors now found themselves. He was the more desirous that the Members of that House should be made acquainted with the condition in which the West India proprietors were placed, for he was satisfied that if they were acquainted with that condition, they would not interfere to make that condition more truly deplorable than it was at present. He would, therefore, exemplify that condition by stating shortly the facts of his own case, and he should at the outset remark, that his was a peculiarly favourable case as regarded the cultivation of West India property. He was one of those who enjoyed considerable advantages as a West India proprietor, so far as related to the management of property in the West Indies; for he had a son residing on his estate in Jamaica who was perfectly acquainted with business, and who had been brought up in a merchant's office in Liverpool; and, in addition to that, he had an overseer of great experience in the management of such property. He had no mortgages on his property, and he had no necessity to employ a merchant for its disposal at a cost of $2\frac{1}{2}$ per cent. He had, in fact, only brokers' commission to pay; and notwithstanding all these advantages, how did he find himself? For the last three years, on an average, the price of every pound weight of sugar to him, including its production and transit, was 4*d.*, and to that was added a tax of 3*d.* per lb. imposed by the Chancellor of the Exchequer when it arrived in this country, making 7*d.* per lb. the cost of the sugar to him. Now, how much did the House think he sold that sugar for? He sold it for $6\frac{1}{2}$*d.* per lb., as an average price for the last three years. Thus he lost a halfpenny per lb., on an average of all the sugar sold for the last three years on his account, which was an average loss of 500*l.* upon every 100 hogsheads of sugar, and that loss was upon pro-

perty which, in the times when slavery was permitted in the West Indies, produced 3,000*l.* per annum profit; and half that amount during the period when the apprenticeship system existed. That diminution of the value of his property took place, notwithstanding all his exertions to cause economical production. He had done everything possible to diminish the cost of production on his property in the West Indies. He had sent out the most improved ploughs to diminish labour; he had, in fact, economised labour as far as was possible, and had used every means in his power to render the cultivation cheap; was it not monstrous that, under such circumstances, a tax of cent. per cent. should be enforced by the Government on sugar; and that another West India produce, namely, rum, should be subjected to a tax of 400 per cent.? It was now proposed to take off the prohibitory duties on foreign sugar, and yet, whilst giving such an advantage to the producer of foreign sugar, they retained the prohibitory duty on West India rum. Let it not be forgotten that such heavy taxes upon West India produce were imposed by Mr. Pitt as war taxes. The Minister who introduced them proposed them as taxes only intended for a time of war, and they were imposed with the understanding that they were to be taken off when peace returned; yet what, he would ask, was the situation of West India property with respect to them now at the end of nearly thirty years of peace? The taxes were precisely the same as when they were introduced as war taxes. They had indeed, heard a great deal about Parliament having voted a sum of twenty millions to the owners of West India property, but he could tell the House that the sum which had been voted was small indeed, compared with the loss of property on the part of the West India planters. How, he asked, would landed proprietors feel in that House if his hon. Friends near him succeeded in obtaining a total repeal of the Corn Laws? How would they feel if a measure were carried which many well experienced persons believed was calculated to ruin the landed interest? He did not participate in that view of the effect of the repeal of the Corn Laws, but many persons who were well acquainted with the condition of the landed interest were of opinion that such an effect would follow the repeal of the Corn Laws; and if such a measure were carried, he would ask the landed interest, how they should like, in such an event, to see the hon. Member for Stockport propose to give them a composition of two shillings, or two shillings and sixpence in the pound, such as had been given to the West India planters? Their slave property had been taken from them, and they got in return half-a-crown in the pound; in addition to which, every impediment was thrown in the way of their exertion to obtain free labour to cultivate their estates. It was asked, if they lost by the cultivation of their estates, why not abandon that cultivation? He would tell the House why he and others, who had property elsewhere, did not abandon the cultivation of their estates. They did not abandon it, because they relied on the justice and sympathy of hon. Members in that House; and he hoped they would not find that they leaned upon a broken reed. He hoped those who were in the same boat with them would feel that their interests might some day be attacked in the same manner, and therefore that they would throw the shield of their protection over the West India planters. The West India proprietors had been most cruelly and unjustly treated—they had been treated worse than ever the slaves had been treated by the West India planters in the worst times of slavery. At all times they gave them a sufficiency of good and wholesome food. What had been done to those who depended on property in the West Indies for their support? Widows and orphans had been driven to the greatest distress, the bread had been taken from them, and they had been driven to destitution. No class of persons were more cruelly treated, because they were helpless and powerless in that House. But if instead of being powerless as they were in that House, they had been a powerful body, like the agricultural interest or the manufacturing interest, would they have been so treated? The right hon. Baronet at the head of Her Majesty's Government had expressed himself, in 1841, forcibly on the subject which was now again before them. He said on that occasion,

"Sir, my conviction mainly rests on a consideration of the state of the West Indies, and of the progress of the great experiment of Slave Emancipation in these Colonies. I do not ask you to continue this exclusion for the purpose of supporting the interests of individual West India proprietors; I forget their individual interests in the much higher considerations that are involved in this question. I look to the moral and social condition of that part of your empire in which you have re-

cently made the greatest, the most hazardous, and as I admit with cordial satisfaction, the most successful experiment which has ever been made in civilized society. And can I conceal from myself what may be the consequence, if at this time, when society in these Colonies is staggering under the shock of that experiment, you take a step which may decide for ever that sugar shall no longer be produced at a profit by free-labour in those Colonies."

It was said by some that the change in the opinions of the right hon. Gentleman at the head of the Government had been effected by the influence of the Anti-West Indian feelings of the right hon. Gentleman the President of the Board of Trade. Whether this were the case or not, he could not tell, but if it were not so, he could not account for the alteration in the views of the First Lord of the Treasury, otherwise than by supposing that he had become so thorough a free-trader as to be ready to sell his consistency in the dearest market, in order to buy popularity in the cheapest. He was sorry the West India interest had lost the advocacy of the right hon. Gentleman, and he could not help also regretting to find them opposed now by his noble Friend, the Member for the City of London. He must say, that the proposition of his noble Friend to admit slave sugar at only a differential duty of 10*s.* was a most extraordinary one as coming from him. What would be the effect of such a regulation? It must be to give a great additional stimulus to slavery and the Slave Trade, for the abolition of which we had expended not only twenty millions, but hundreds of millions. It could have no other effect. Let us have one thing or the other—either free-labour sugar or slave-labour sugar. He complained that it was an injustice to bring forward such a proposition as that of his noble Friend, and not at the same time to call for a repeal of the Emancipation Act. If we were to have slave-labour sugar, let the Emancipation Act be repealed; but to ruin our own Colonies, after the expenditure of so much money, and to give all the profit to slave countries, was a system of legislation which he could not comprehend. He did not hesitate to say, that our course of legislation on this subject was calculated to make us the laughing-stock of every other nation in the world. If the House was not disposed to legislate so as to do the West India interest any service, let it at least not proceed so as to do them further injury. The proposition of the hon. Member for Bristol was a good one as far as it went, and he hoped and trusted it would be carried, as it would not entail upon the Colonies the injury which the other propositions were calculated to inflict, and would in some degree benefit the public; but if the House wished largely to benefit the people of England, and do them a true service, it could be effected only in one way, namely, by diminishing the cost of production in our Colonies, and greatly reducing the tax. Let them give the West India colonists plenty of free-labour, and let the tax upon colonial sugar be reduced from 24*s.* to 12*s.* Thus would ample justice be done to the West Indians, while an important benefit would be conferred upon the people of England, at the same time the Treasury would suffer no loss, but on the contrary, he was persuaded, that before any lengthened period should have elapsed, the revenue would gain by the greatly increased consumption of the article, which would take place consequent upon the reduction. He begged pardon of the House for having spoken at such length, which he had done for the sake of others rather than his own, for he had learned to look upon the cause of the West India proprietors as hopeless.

Mr. *Ewart* said, his hon. Friend the Member for Cumberland had indulged in some personal charges against him. He had charged him with having made certain rash and extravagant calculations, but his hon. Friend did not recollect that these very propositions had been adopted year after year, and that the present proposition, although he did not approve of it, had been made several years ago, and that the Amendment of the noble Lord had also been proposed four or five years ago, and, therefore, when his hon. Friend accused him of having made rash and extravagant calculations, he must be allowed to say that statement was unsupported by fact. His hon. Friend had dwelt upon the sufferings of the class with which he was connected. He commiserated the case of the West India proprietors. He had no enmity to them or any other body of men; but while his hon. Friend complained of their sufferings, he totally forgot to say one word in behalf of the people of this country; and he maintained that the commerce, the manufactures, nay even the subsistence of the people of this country, were impaired by the duties which his hon. Friend was endeavouring to retain for the benefit of a class who had been already compensated. He con-

tended, therefore, that his hon. Friend appeared in Court not as plaintiff, but as defendant. He was, indeed, much surprised at the eloquence with which his hon. Friend called upon the monopolists to come to his aid. It showed how much the garrison must be reduced when it was obliged to call in such allies. Was it true, then, that those who defended the Corn Laws were coming down to support the sister monopoly of sugar on the summons of his hon. Friend the Member for Cumberland? There was a want of skill, as well as of impartiality, in that appeal on such an occasion, from which he thought his hon. Friend would wisely have abstained. His hon. Friend should not have made common cause with the corn monopolists, but should have been content to rely upon the justice of his own cause. His hon. Friend had attacked the right hon. Baronet the First Lord of the Treasury on the score of inconsistency. It was easy to rake up former declarations of opinion from the political mausoleum to be used as weapons of offence; but he said that a Minister was bound to move on with the course of public feeling, and as far as he had observed, the right hon. Gentleman had shown great sagacity and wisdom in the measures he proposed with that view. The question which he had now to raise before the House was, whether we were to continue the system of differential duties at a positive loss to the whole country? That was the simple question at issue, and it was accompanied by another—whether, by abolishing monopoly, we should increase our commerce, and augment the demand for our manufactures, and procure better and cheaper subsistence for the people of this country? Upon this point he should argue the case, and also upon these two collateral questions, whether the change which he proposed would be ultimately so injurious to the planters themselves, and so favourable to slavery as some Gentlemen contended? He looked forward to a very great reduction in the duty on sugar finally, for he held that it ought to be reduced so low as to place the article within the consumption of the poorer classes. Until Parliament did this, it really did nothing. Let the amount be reduced to what it was before the war, in the year 1790, when it was only 12*s.* 4*d.* the cwt., and he had no doubt the produce of the duty would soon be fourfold. The Chancellor of the Exchequer was well aware that under the existing law, the use of sugar was prohibited in distillation, and it could be shown that if it were allowed to be used in that manufacture as well as in the breweries of the country, in which it could be extensively used, it would be productive of the greatest benefit, as sugar would be a beneficial substitute for malt, and a large quantity of grain would thus be left at liberty to go out for the consumption of the people. Here, then, were two manufactures, which in case of a reduction of the duty on sugar, would be the means of materially benefitting the revenue. But there was a yet more important point of view in which the question should be regarded. It might be laid down as an axiom now in political economy, that the real consumers in any country were the labouring classes. It had been lately shown before a Committee of that House, and to the knowledge of the Chancellor of the Exchequer, that in the article of tobacco nineteen-twentieths were consumed by the working classes, and if the duty on sugar were reduced to a proper proportion, the consumption of that article might be expected to increase in as great a proportion as that of tobacco. In order to effect that, however, it had been almost proved that it must be reduced so low as to allow of the article being sold for 4*d.* a pound. It appeared from authentic calculations, that while the wealthier classes consumed sixty or seventy pounds per head per annum, the poorer classes did not consume above seven pounds, and this was owing entirely to the duty; but if there was one part of the country where this difference was peculiarly observable, it was unfortunately Ireland; for while in England the average consumption was twenty-one lbs. per head, in Ireland it was only seven lbs. Another evil of the high duty was, that it led not only to an adulteration of the article itself, but to adulteration of the adulteration. He believed, and he thought the Chancellor of the Exchequer believed, that not only was coffee adulterated with chicory, but the chicory with which it was adulterated, was itself adulterated. The first step towards a removal of those evils would be to abolish our discriminating duties, to adopt sound and honest principles of legislation, and no longer to maintain those monopolies which ought to have been abandoned long ago. The

hon. Member for Cumberland talked of destroying the planters; but the most honest course with respect to any class of men, was to let them know the truth. To this consummation must the West-India proprietors come at last. The baseless fabric which they had so long maintained must at length give way, and they would act well and wisely to conform to circumstances, and to assist the free-traders in effecting measures which would ultimately conduce to their own benefit, instead of endeavouring still to maintain this barrier against the general good. His hon. Friend (the Member for Cumberland) knew that though this fabric might be maintained for a few years, it must be only for a few years longer; and that it was as certain as any commercial change that had ever occurred, that in a short time all discriminating duties must disappear; and he thought it would be a wiser course for his hon. Friend to enter into a compromise with those who saw the justice and the necessity of that change, and were desirous of turning it as much as possible to the advantage of all parties. He (Mr. Ewart) felt, that while the House proposed in the present year to reduce the duty from 30*s.* to 20*s.*, it should be prepared in three years hence to come to a determination to abolish the discriminating duty altogether, as unjust to the planters themselves as well as to the commerce of the country. The West-India monopolists were in a false position. The free-traders wished to extricate them, and he hoped the planters would assist them by endeavouring to extricate themselves. He thought he might justly call the attention of the House to that which appeared to be in a great degree forgotten, namely, to the state of our foreign trade as compared with the colonial. On an examination of the returns it would be seen that the foreign trade had kept increasing in a much more rapid ratio than the colonial, and that ought to convince the Government that they ought to encourage the extension of the foreign trade, and not fall back upon the antiquated and obsolete policy of propping up what were falsely called protective colonial monopolies. Let them extend commerce, and gradually unshackle the West-India planter from all the fetters called protection, but in reality restriction, by which he appeared to be assisted, but had in reality so long been bound. He asked the House to look, not only at England, but at foreign countries, and they would find that those places which kept up their colonial trade were falling off; but those which extended their commerce with the world were prospering. Look at Liverpool, and at Bristol, which latter was bent upon fostering the colonial system, while Liverpool extended its commerce with the world, and particularly with the United States. See how Bristol was declining, and how immeasurably Liverpool had increased, and was increasing. Look again at Bordeaux, where, from its adherence to colonial policy, commerce was declining, and the inhabitants complaining and comparing it with Havre, the Liverpool of France, which had risen on foreign commerce, and was now a flourishing and rising town. These causes were instances of the wisdom of extending foreign policy, instead of maintaining a monopolising colonial system. But he should be told that by extending our commerce in sugar we should be sure to increase slavery. Whatever opinions he might be supposed to have formerly entertained, he had, by a mature consideration of the subject, arrived at the conclusion, that however desirable it was to distinguish between the produce of free-labour and slave-labour, it was almost impossible to do so; and that the only way was to allow both to compete openly in the markets of the world, in the confidence that the good cause of freedom must eventually prevail. He had no doubt that the energies of freedom would enable the free labourer successfully to compete with the exacted labour of the slave in the production of this commodity. Did not the experience of every day furnish examples of this? Were we not obliged to make laws to stimulate and extend labour in our Colonies, while the tendency of our legislation was to limit and suspend labour at home? He had always looked upon commerce as the great emancipator. By throwing open our commerce with all parts of the world we should be more likely to put an end to slavery than by any enactments which that House could frame. Open the markets of the world and free labour might boldly enter into competition with slave labour. His hon. Friend complained, and justly, that there was a deficiency of labour in the West Indies. The planters had a right, after what had been done to the introduction of labour, as far as it could

be introduced with justice; and if it were not done by the Government, it ought to be by some private act of legislation. He wished to give the West-India labour, free trade, and full and fair competition, for he was convinced that the energies of the West Indies would never be developed unless they had full and fair competition. Equalization of duties would alone force the West-Indians into the market of competition, which was the true source of prosperity. Let the planters, like the agriculturists, bestir themselves—let them shake themselves, and ascertain whether they could not by their capital, their skill, and their energy, compete with other producers in the markets of the world; for whatever skill, energy, or perseverance they might possess, it would be unproductive until it entered into full and fair competition. His hon. Friend had said, "give us time;" but, then, he feared they might wait long enough before the West Indian would be disposed to say, "We are now ready to agree to the proposed change." He asked his hon. Friend the Member for Weymouth what time it was that he proposed to take? In order, however, to bring this matter distinctly and at once to issue, he would that evening propose that there be an equalization of the duties. It was his opinion that if they desired to do justice to the commerce of the country, they would follow out the general system of reduction of duties. They ought to follow the principle which had been commenced in their Tariff. What they had to do, fully to develop the commerce of the country, was to cheapen subsistence, and to have a large reduction of duties on all those articles which were necessary to the sustenance of the people. It was with this conviction that he now proposed as an amendment, "that it is expedient that the duties on Foreign and Colonial sugar should be equalized."

The *Chancellor of the Exchequer* had before now stated his opinions with respect to this proposition of the hon. Member, a proposition that was found to be so contrary to the feeling of Parliament, that he did not deem it to be necessary again to renew a discussion with regard to it; and he must say that, after hearing the opinions of the hon. Gentleman opposite, in support of his proposition, he could not find that the hon. Gentleman had urged any thing novel on the present occasion. So far, in his opinion, from the hon. Gentleman's speech having strengthened his views, he thought, from a careful attention to that speech, that it afforded additional reasons for giving it the opposition with which it was now intended to meet it. The hon. Gentleman had told them of the reasons that had urged him on a former occasion to argue in favour of the admission of free-grown sugar—the hon. Member was then acting in conformity with the opinions of Mr. Sturge—and was then altogether wrong in his views, however eloquently he had urged them. But the hon. Gentleman had now argued for a large reduction of duties, irrespective of slavery which, he conceived, was totally different from the hon. Gentleman's former motion. It might be of the greatest advantage to have a reduction of duties on articles of prime necessity. He himself had never broached any contrary principle; but so far as these duties were necessary to the purposes of the revenue of the country—and no Government could, he conceived, ever consent to a reduction of duties calculated to impair the revenues of the country—beyond that he assured the hon. Gentleman he felt not the slightest inclination to differ in opinion from the hon. Gentleman's opinion on this point. The argument as to coffee was the same as that on sugar. He thought their wise course was, when interests had grown up under a system of protection, that it was essential, as far as it could be done consistently with the interests of the community at large, to continue to give a fair protection to those interests; because that could not be withdrawn without involving those interests in ruin, and with them the interests of the country.

Mr. *Hume* wished his hon. Friend to withdraw his Motion, which might come on after others had been disposed of, and a division could be taken much better then than at the present moment. There was no one more anxious than he was to have cheap sugar; but he was also anxious to do justice to those who had been placed in an embarrassing situation by means of the legislation of this country. He wished to enable our Colonies to compete with others. He was not for asking a man to run whilst his legs were tied. They had so treated the Colonies, that there never yet was a fair trial between them and countries where slave-labour prevailed. Let them give a fair field to those in the Colonies whose interests were

involved, and then, but not till then, could they judge of the result. It was on that account he asked his hon. Friend not to press his Motion to a division at that moment.

Mr. *Labouchere* stated that it was his intention to vote against the Motion now, as he had voted against a similar Motion on a former occasion; and this because he did not think it just to equalise the duties between foreign and colonial sugars. At the same time, he did not think that it would be proper to separate the discussion from the division, and he, therefore, thought it would be better to divide upon it at once.

Mr. *Milner Gibson* wished, he said, to ask the Government what claims the West India interests had on the British public—what it was that justified the Government in impeding the trade and manufactures of the country? Hon. Gentlemen sitting in that House represented different interests. He represented a particular interest; and he asked the Government not to discourage the interest that he represented. He asked of them, on the contrary, to take off the restrictions that pressed upon the industry that he represented. The Government might reply to him, that there were other parties in the West Indies, and there were some restrictions on their interests. But what answer was that to him? What claim had these Gentlemen on the manufacturers, that they should benefit by the restrictions that others suffered? The Government might tell him they would not discourage the West India interests. Very well, he said, let them not discourage the manufacturing interests. His hon. Friend the Member for Montrose was for disposing of this Motion in rather a summary manner; but before that was done, he had a right to claim from Her Majesty's Government the explanation as to what was the ground for these discriminating duties. He might admit that there were grievances endured by their West India Colonies; he might be ready to redress those grievances; but it did not follow that he should support that system of protection now contended for as the means of redress. He did not know that protection was the proper way to meet the claims of the West India interest on the British public. He had never yet heard a statement from the Government to show how it was that they calculated this claim, and then turned it into a 10*s.* differential duty. In taking up the present Bill, he found that it was a Bill to grant to Her Majesty certain duties for the service of 1844. There was not therein one word of protection to West Indian proprietors. Therefore it was, that he thought he had a right to ask, what was the principle by which they were able to link the West India interest with a mere vote of supply. He did not wish to throw any obstacle in the way of a vote of supply necessary for the service of the country; but all he asked, as one of the representatives of the country, was for a plain, straightforward explanation as to how it was, that the interests of the West India Colonies were made to interfere with the trade and commerce of the country—how it was, that it justified the Government in putting on a discriminating duty which was disadvantageous to the interest he represented, and prevented it from carrying on commercial transactions with Brazil and Cuba, and other places? He had, he must say, the greatest respect for the talents and acquirements of the President of the Board of Trade, but still he thought it would puzzle that right hon. Gentleman to show, if a protecting duty were necessary for the West India interest, how that necessity was less this year by the amount of the duty than it was last year. How was the claim of the West India interest altered in the two years? If the West India interest had a just claim, how did it come to be converted into a pecuniary consideration, and the pecuniary consideration into a particular amount of duty, and how that duty was less one year than another? If the West India interest had this claim, how did the claim come to be altered? Was it the wants of the community that had altered it? If the West India interest had a just claim, then the Government was not justified in foregoing that claim for other considerations with which the claim had nothing to do. He must say, that these points being unexplained, looked as if those who sustained the claims of which they had heard had no confidence in the justice of their cause, but it seemed rather as if they were trying to get as much as they could out of the British public. But then it might be said, that great as were the claims of that interest, the claims of the British public were greater. He said, if the West India Interest had claims, let the British public know what they were. Let that interest, if the claim were a just one, be compensated; and he was sure that no Gentle-

man who was a supporter of free-trade would say otherwise. When the President of the Board of Trade, then, talked of meeting the wants of the community, his answer was, that they did not desire to have an officer of the Customs to estimate them; but to let the public judge of their own wants. He felt that he was justified in calling upon the President of the Board of Trade to let them know how it was he came to propose this differential duty of 10*s.*? What was the reasoning that led him to suppose that 10*s.* per cwt. on sugar was the measure of the disadvantage which the West India interest laboured under? As to the other branch of the question—the preventing the people from eating slave-grown sugar, as a mode of preventing slavery and the slave-trade, this, he thought, was not the most fitting moment for discussing it. He admitted that the continuance of the differential duty would keep the article at such a price as not to enable the British consumer to use any other than free-labour sugar. The reduction would be about five-eighths of a penny in the pound. Trade with the different countries of the world was so linked together, that they would find it impossible to carry on any trade without either directly or indirectly encouraging slavery. Considering the question in all its bearings, he must say that there was something too transparent in the veil that concealed their pretences. He could not give them credit for being actuated with the desire of putting down the Slave Trade by these means, because they were not calculated to promote the object which it was said by the Government they had in view. He emphatically appealed to the President of the Board of Trade, to state to them precisely what were the grievances of the West India interest that must be compensated by a differential duty.

Mr. *Villiers* thought too much credit was given to the ignorance or indifference of the people on this important subject by Her Majesty's Government; by the course they pursued, they appeared to imagine they could safely treat his hon. Friend's Motion with contempt. They did not deign to reply to it. [Sir *R. Peel*: The Chancellor of the Exchequer spoke.] Yes; the Chancellor of the Exchequer said something, but those who heard him must have seen it was only to prevent his hon. Friend from thinking that anything personally discourteous was intended to him by no reply being given to his speech; and he did think that there was nothing in the character of the Motion, and nothing in the position of his hon. Friend as Member for Manchester who had just spoken, representing the interests of that great borough, that could justify this silence on the part of the Government. He agreed with his Friend that the public required some explanation of the principle of this enormous tax upon the comforts of the people. A very valuable paper, the *Economist*, treating on these subjects, was published weekly, in which a precise calculation was made as to what the country at large, and this metropolis in particular, paid every week in order to maintain this monopoly. The calculation had not been disputed, and it was there proved that the metropolis paid 5,800*l.* a week, and the country about 70,500*l.* Now this was a heavy tax to be paid by the people, and some reason should be assigned for its being paid at all; and certainly the principle on which it was adjusted should be given, and it should be met in some other way than silence or contempt. The public also desired to know with what results this vast tax had been attended. They would want to know whether it had produced a loyal, contented, prosperous body of colonists, and whether any great advantage was jeopardised by its discontinuance. Only four years ago the Government of the day proposed to suspend the constitution of the chief of these Colonies on account of its open resistance and disaffection to the mother country. To-night his hon. Friend the Member for Cumberland, as one of that interest, had spoken out. What did he tell us? Why, that the worst picture that he could paint of the sufferings, ill-usage, and misery of the negro slave in former days would only depict the present condition and treatment of the West India proprietors. That was the result of protection—that was the gratitude for all the people of this country had suffered. What was the story they heard in every direction from the same parties? Why, that they were ruined, destitute, beyond redemption. That was what further sacrifice on the part of the English people was required for—that was the fruit of protection—that followed from relying on duties, instead of the energy, skill, and enterprise called forth by competition. His hon. Friend had given them a sad account of the price he

got for his sugar, only 6½*d.* a lb., and complained of the cruelty of the Legislature, and that the interest of the West Indians was abandoned by its friends. His hon. Friend seemed to think that the protection proposed was of no use, and said he had no friends. He had really a great respect for his hon. Friend, but he wished he could prove that he had no friends, for the support given to this measure certainly looked as if they were as many as before. His hon. Friend seemed to think it conclusive against any reduction of duty, when he told the House how little his sugar fetched. Did not his hon. Friend see that just as good an argument might be used against any improvement; and that if a retail grocer got into this House he would have as good an argument against a railroad bill because it drew off customers from some old road that went through the town where he kept his shop. His hon. Friend, however, showed he was ruined already. His hon. Friend's Motion was called an extravagant one. Now let him tell the House that it was only what was proposed, recommended, and supported by all the leading men who took part in the anti-slavery movement—by those who knew the West Indies well—who knew all the waste and sacrifice, and loss incident to slavery—who had perfect faith in free-labour, as being cheaper than slave-labour, and who saw as much advantage, economically, in emancipating the slaves, as in the benevolent view they had in their object. They considered, indeed, that the experiment could hardly be fairly made, unless the principle of competition was brought fully to bear upon the property of those islands. It was upon that they relied for all the improvement that was needed in the agriculture of those countries by which the land could be made more productive. The proposition that his hon. Friend made, was the same that was made by Mr. Cropper, and supported by Mr. Macaulay and the late Mr. Stephen, and recommended by all the great and true friends of emancipation. Mr. Cropper had written a pamphlet in 1823, recommending a duty of 30*s.* on all sugars, whether produced in Cuba, in Siam, or Brazil, or India; and he confidently asserted in this work, that, if anybody would examine the question, they would see that free-trade was the only means of abolishing slavery, and thereby the Slave Trade; and he adopted again these views in 1833 in another tract that he published. He believed he was perfectly right; and by skill and good management, under the influence of competition, those properties might be made much more productive than they had been under slavery or with protection. They were told that a great experiment was being made, and that they must do nothing farther at present. He contended that the great experiment had been made, and had succeeded, which was, whether a slave population could be safely converted into a free community; and it was proved not only to be possible, but had succeeded perfectly; and the other experiment was, whether our West India affairs could not be brought within the principles of regular commerce. The great Movers against slavery always had in view the abolition of monopoly to give the experiment of free labour a fair trial; that had not been made yet owing to these protective duties, and the result was, that by some the emancipation was deemed a failure, as if emancipation had been ever deemed as a substitute for good legislation, or as a sudden cure for disadvantages peculiar to any Colony. The agriculture of those Colonies was extremely defective, and the management was extremely bad which could be traced to neglect of agents and absence from the Colony of a party really interested—it was hard, however, to ascribe that to freedom which might be found equally bad wherever monopoly prevailed. His hon. Friend the Member for Cumberland gave a most pitiable account of his property, and other gentlemen did the same; but they should remember that was the case on the side of those who condemned monopoly. He was bound to say, however, that he thought there was great exaggeration in what was said of the utter ruin and destruction of these Colonies. Gentlemen who made these statements received them from their agents, who often had not the interest of the proprietor at heart, and they were frightened by them into abandoning their estates, either to throw more labour into the market for other estates, or to enable those agents or their friends to become the purchasers, and the agents or their friends became the purchasers. Besides, what was the case with one estate was not also the case with

another. There were varieties of soil there, and varieties of management, and he believed in Jamaica that while some estates were doing well, others might be as bad as they were described. He was much amused the other day in reading the account of a discussion in the assembly at Jamaica on a memorial to this country which it was contemplated to send here to make known the deplorable state of the Colony; several speakers descanted long and loudly on the utter ruin and destruction which had involved the property of the island, and the utter hopelessness of their case was especially dwelt upon. At last one gentleman rose, and with great candour and discretion, questioned the propriety of sending such a picture of the result of the past system, for he said the party who are clamouring for cheap sugar, will surely say if this is all that has been gained by protection and dear sugar, why have we been made to suffer—these people cannot be worse off if justice is done us. And said this gentleman farther, as it is not true that we are in this state, it is particularly unwise to represent ourselves so—whatever doubt however might exist as to the state of the proprietor, all parties were agreed that the experiment as regarded the negro had answered well, that he was happy, and had no disposition to return to savage life. In short this experiment was described by the right hon. Baronet at the head of the Government, as having had wonderful success. What was said also of the distress on one island did not apply to another—some were doing well, and were able to compete with any part of the world, which of course depended upon the proportion which the people bore to the labour required. The case of Antigua was in point; Mr. Gurney, when he wrote his book, stated that the produce of that island had nearly doubled in six years. [An hon. *Member:* "I don't believe him."] He was, however, thought to be a credible witness whenever Gentlemen wanted to quote him for their own purposes. He did believe him, however, for the population there was comparatively dense, and there had been no difficulty in getting labour there. He had, however, great misgiving of the loose kind of evidence that was given by interested parties in this House on the subject of these Colonies. He had no evidence whatever before him that the proprietors were entitled to any such compensation as the tax on the people that they were about now to continue, and certainly they knew nothing of its being properly adjusted to the necessities of the case. The people knew only that they had paid a heavy sum to redeem the slaves, and they learn from their own servants at the Board of Trade, a statement which has never been contradicted, that since that sum was paid a sacrifice equal to 3,000,000*l.* a year has been exacted from them as further compensation for the emancipation of slaves already paid for. His hon. Friend who had preceded him had suggested that it was not fitting at this time to discuss this new principle in commercial legislation which this measure recognised, and which made their fiscal and economical arrangements dependent on the institutions of foreign states. He, however, entirely agreed with all that had fallen from his Friends upon this and other occasions, respecting the inconvenience, inconsistency, and insincerity of such a plea for monopoly. It was impossible to reflect upon its fanciful application without laughter; allowing freedom in the commerce of every article produced by slave labour save one, which many Members in the House, and influential persons out of it, were interested in excluding. Why, the fact was, it tended greatly to destroy the moral effect of the emancipation act throughout the world—the grounds for suspecting the motives in this case were so strong. No human being believed there was any sincerity in it; utterly disregarding the principle as they did whenever it was inconvenient to apply it. It had been properly observed the other night, that we had commerce and friendly relations with people of every description, every religion, and having the most savage and barbarous institutions, and that no interest being in question to preclude the intercourse, nothing was heard here of these laws or customs. They were properly anxious to suppress the Slave Trade in a particular part of the world, but they seemed to disregard it in other places; for instance, the Slave Trade was carried on in the east of Africa as well as the west, attended, as it was said, with every horror, every barbarity, every revolting feature that belonged to the "middle passage," of which so much had been heard, with this difference perhaps that the Egyptian Slave Trade was carried on openly, avowedly, and with the authority

of the Pacha, or sovereign power of that country. According to Sir Fowell Buxton, no less than 50,000 human beings annually were stolen from the place of their birth and brought to the markets in Egypt and exposed openly for sale, and the trade was carried on with the assistance of the Pacha's troops. [Dr. *Bowring*: "No."] Well, it is so stated in Sir Fowell Buxton's work, and also in a book published a few years since at Paris by a Comte de la Trobe, who actually witnessed the people starting for what he calls the "Chasse aux Negres," and had his information from a person who had attended the capture and horrid treatment of the slaves in their passage from Nubia to Cairo, when hundreds die from fatigue and ill usage. This goes on every year, the whole traffic being more nefarious and cruel than what occurs on the west coast of Africa, for the negroes are taken from their villages where they are at peace: yet this is a country that we have the most friendly relations with, whose sovereign we call an old and faithful ally, and to preserve the integrity of whose Empire we were ready to go to war, and indeed did spend a million the other day for that purpose; and it should be remembered that the trade is not carried on for so innocent a purpose as working in the cane-field, but many of the slaves are devoted to other less worthy purposes. The whole world are aware of all this inconsistency, the people out of doors know these things, and they treat with utter disrespect the notion that their privation is founded upon any great national view of humanity. Indeed, this plea of the slavery of other countries as a ground for monopoly in this country, he considered a very dangerous one, with the view to the continuance of that evil for it was quite clear that while the plea was deemed sufficient to maintain the monopoly here, the monopolists had no desire to see it removed. They knew what influence they had over every Government in this country, who would therefore not be very zealous in persuading other nations to abolish it. However the plain question now before the House was that which his hon. Friend had sought in vain to be answered, namely, why the people were to pay 10*s.* more for their sugar to the West India proprietors than to other people. Surely an attempt will be made by the right hon. Gentleman at the head of the Board of Trade, to explain this to the country. Let him only remember the startling fact stated by Mr. Porter, that two years ago we paid five millions more for sugar than we need have done had we bought it on the Continent; and that as our manufactures exported to the West Indies, only amount in value to 4,000,000*l.*, they might have given the West Indians all those manufactures and have been 1,000,000*l.* in pocket had they been allowed to buy the sugar where it was sold cheapest. It was under these circumstances, and in the absence of any satisfactory reason for continuing this protection, that he should vote for his hon. Friend's Motion.

Mr. *Gladstone* said, that he intended no disrespect to the hon. Mover of the Amendment by not having risen before to state the arguments upon which the Government rested their policy in the present matter; but that policy having been on former occasions already so fully explained he felt that he might possibly be guilty of some disrespect to the House if he had reason to repeat arguments with which they might be supposed to be so familiar. He had no objection, however, to state briefly the principal grounds upon which the policy of the Government in regard to the Sugar Duties was based. They were, first, that the principle of protection was that by which our customs' laws had always been more or less regulated; and, secondly, that the West Indies had all along enjoyed this protection, and that it had been generally conceded to them by this House. Whilst applying the principle of protection, generally, he thought that the West Indian was the last interest which should be exposed to free competition, and for this reason, that at the present moment they were suffering from great scarcity of labour. The hon. Member for Wolverhampton said, that there was a great deal of information upon this subject abroad. Was the hon. Gentleman's speech to be taken as an illustration of the extent and quality of this information? The hon. Gentleman referred to the opinion of Mr. Cropper in 1823, upon the Sugar Duties; but the hon. Gentleman did not seem to be aware of this great distinction between the case then and now—that there neither existed free labour nor monopoly to the sugar grower. The hon. Gentleman had also referred to the statements of Mr. Gurney, who wrote, he believed, three or four years ago, in reference to the produce of the island of Antigua.

But the hon. Gentleman was not, perhaps, aware of Returns made within the last four days, which gave a very different result from that stated by the hon. Gentleman. From these Returns it appeared, that the average exports of the island of Antigua during the last four years of slavery, were 176,000 cwts., whilst that of the four years of free labour, from 1839 to 1843, was 166,000 cwts.

Mr. *C. P. Villiers* explained. Of course, the statements of Mr. Gurney applied to the period at which they were written; and it appeared that the average produce of Antigua during the six years ending 1833 was 129,000 cwts., whilst that of the six years ending 1839, was 222,000 cwts., being very nearly double as he had stated.

Lord *Stanley* read Returns to show that the average produce of Antigua during the last six years of free labour ending 1843, was less than that of the last six years of slavery.

Mr. *Cobden* said, that such was his opinion of the principle involved in this question, that he felt convinced that if any opposition would bind itself together upon the basis of such a principle, no Government could long successfully resist them. The right hon. Gentleman, the President of the Board of Trade, had shrunk from meeting the question, and it was not until he had been actually forced into it that he would say a word upon the subject. And even then, the right hon. Gentleman had endeavoured to evade the important bearings of the case, by flying off at some supposed inaccuracies of Mr. Gurney. The right hon. Gentleman said, that the claim of the West Indians to this monopoly rested upon the ground, that they had always enjoyed it without opposition. Why, if they were to go to such an argument as this, there was no existing monopoly, or abuse of any kind, which might not be defended with equal reason. The second ground of the right hon. Gentleman was, that the principle of protection entered into all the commercial and fiscal regulations of the country. He denied, for one, that the manufacturers of this country had had any share in this protection—nor did he seek it for them. All the manufacturers asked was to be left alone; and he, for one, would not accept protection if it were offered to him. Though the right hon. Gentleman opposite had avoided entering into the merits of this question, he (Mr. Cobden) would, with permission of the House, briefly lay bare the principle upon which this monopoly rested, and its effect. The information might have its effect elsewhere, though it did not in this House. The Government proposed, in brief, that the West India proprietors should receive 10*s.* per cwt. for the sugar more than the growers of any other part of the world; 10*s.* per cwt. more than they could get in any other part of the world. This was equivalent to a tax of two millions per year, upon the people of England, and for whom, and on what grounds? Because the West India proprietors were in distress, and could not cultivate their estates. This might be a very good plea for a farmer to appease a body of creditors, or as an appeal to the generosity of private friends; but it was not a ground to come to the country and ask them to make the West Indian estates profitable to their owners at the expense of the working people of this country. But what was the benefit of this monopoly to the working coloured population of the West Indies? The white population of the West Indies amounted only to about a tenth of the population; yet the landed proprietors cried out still for the importation of more labourers. What effect would this protection have upon these labourers? In England there was a cry raised by the landowner of protection for the labourers as the result of their own monopoly. But how was the case in the West Indies? There was an hon. and gallant Gentleman in the House who would be able to tell them that the negro labourer was now receiving 2*s.* a day wages, whereas, formerly, he only received 6*s.* and 7*s.* a week; and yet the landed proprietors were only now waiting for the importation of a horde of savages from Africa, China, or elsewhere, to be enabled to reduce those wages, so that the labourer would not profit by this monopoly after all. Then what other ground was there upon which this monopoly could be claimed? Was it on account of peculiar burthens? No. They had no army to support, they had no excise, no stamps or taxes, and upon what ground this monopoly could be maintained he was at a loss to imagine. Some hon. Gentlemen complained plaintively of their own distresses and their losses, complaints which had only been equalled by the complaint of a noble Duke in another place, who mourned over the loss of 2,000*l.* in the sale of his fish. But there was a time when no man would

have dared to have risen in this House to make a claim on the ground of a monopoly. There was a time when, in this House, a most stringent resolution was passed against monopolists. In the Journals of the House of Commons in 1640 were these entries—

"Upon the question that all projectors and monopolists whatsoever, or that have any share, or lately have had any share in any monopolies, or that do receive, or lately have received, any benefit from any monopoly, or that have procured any warrant or command, for the restraint or molesting of any that have refused to conform themselves to any such proclamations or projects, are disabled by order of this House from sitting in this House; and if any man here knows any monopolist, that he shall nominate him. That any Member of this House who is a monopolist or projector, shall repair to Mr. Speaker that a new warrant may issue forth; or otherwise that he shall be dealt with as with a stranger that hath no power to sit here.

"Resolved, upon this question, that the word 'unlawful' should be joined to the word 'monopolist.'"

This order was resolved upon the question with one unanimous vote. On the 12th November, 1640, it was resolved—

"That if any man here knows any projector or monopolist, that he should name him."—[Committee appointed to inquire into the matter.]

On the 21st January following he found that—

"Mr. Perd reports from the Committee for monopolists these four cases following. And upon his report it was

"Resolved—That Mr. William Sandys is within the order made against monopolists, and not fit nor ought to sit as a Member in this House of Parliament, and that a warrant issue forth under Mr. Speaker's hand to the Clerk of the Crown for a new writ for electing of another Member to serve for the town of Evesham in his stead.

"Resolved—Upon the question that Sir J. Jacob is a monopolist in the business of tobacco, and within the order against monopolists, and ought not to sit as a Member of this House (and a new writ was ordered for Rye, in Sussex).

"Resolved—That Mr. Thomas Webb is interested in the monopoly concerning the scaling of bone-lace, and within the order of this House made against monopolists, and ought not to sit as a Member in this House this Parliament (and a new writ was ordered—place not named).

"Resolved—That Mr. Edmund Windham is a monopolist and within the order made against monopolists (and a new writ was ordered for Bridgwater)."

Now he wanted to know the distinction—the difference in operation—(constitutionally he knew very well what it was) between a monopoly granted by Charles I. to a creature of his court, and a monopoly granted by Parliament to any body of men, in opposition to the interests of the public at large? It might be said that in 1640 the times were troublesome. True; but why were they so? In every motion, in every debate recorded of the period, they found this question of monopoly put forth as the prominent grievance, restricting the trade and comforts of the people, and being a great hardship upon the people generally. That was the complaint now, and he defied the Government and the upholders of the monopolies of the present day to show him the difference between the monopoly in sugar, which his hon. Friend (Mr. James) as he thought, unwisely maintained, and the monopoly in tobacco in the time of Charles I. Where was the difference so far as the people were concerned? They could not compensate his constituents for the loss they sustained from the monopoly in sugar, by giving them any monopoly in return. They could give them no *quid pro quo* in wages from what they took from them in the high price they were now made to pay for their sugar. It was admitted on all sides, that they could not legislate to increase or keep up the rate of wages; therefore, in increasing the prices to the labourer of the articles of consumption, they inflicted a grievous injustice upon the whole labouring classes. It would, he knew, be useless to call for a vote against monopoly there, where the great majority were monopolists, though the abolition of the monopoly could be proved to be advantageous to those by whom it was possessed. He did not stand there in support of the Amendment of his hon. Friend, because he thought that if the equalization of the duties were carried, some injury to the West India interest would result. He would tell his hon. Friend (Mr. James), that, in his opinion, the West India planters would best consult their own interest by uniting with the free traders in demanding a very low rate of duty on the import of sugar, equal throughout the whole world. He believed that an equal duty of 16*s.*, or even 14*s.*, a cwt., would in the course of a few years produce as much to the revenue as the present rate of duties produced, while it would give an impulse to the trade of the West Indies and place it upon a sound bottom; capital and intellect (which was,

he feared, as much required as anything else) would flow in, and that prosperity which, under a system of protection, those Colonies looked for in vain, would, under a system of free competition, result. The present condition of the West Indies was known and admitted, and what was the prospect under the new measure of protection which was now proposed? The right hon. the President of the Board of Trade had told the House that the present was nothing more than a transition measure. He knew that very well—the opinion of the right hon. Gentleman was not necessary to convince the House that this could not be a final measure, but merely one of transition. The question now was not as to 1*s.* of duty more or less, but it was a question between monopoly and no monopoly. There could be no settlement, no quiet in the matter, until the system of differential duties was abolished. The great party out of the House, which he and his hon. Friends represented, called for "no monopoly;" in the House, however, they had a large majority in favour of monopoly, but that party in the House, who advocated a smaller amount of protection than now existed, were, in his opinion, the best friends of monopoly. As he had said, the question out of doors was simply between monopoly and no monopoly, and upon which side was the preponderance of public opinion there could be no doubt. What did the petitions which had been presented to the House upon the subject say? They had one petition from the important town of Leeds, with 25,000 signatures, praying for the reduction and equalization of the duty on sugar. Year after year they had had petitions sent up to them from Manchester, declaring the opinion of the inhabitants of that town in favour of the equalization of the Sugar Duties. They had also received a petition from the Brazilian merchants of Liverpool in favour of a modified measure; but that body had since broken up in consequence of the difference amongst its Members as to that measure—the majority of them preferring to dissolve the body rather than petition again for a modified duty. He would call upon his hon. Friend near him to bear these things in mind, and join with the free traders in demanding a low equalised duty. What the free traders wanted was free trade in all things—not here only, but in the Colonies also—they demanded not differential duties, which they held to be alike injurious to those for whose benefit they were imposed, as to the people by whom they were to be paid; but low equal duties. Let, then, his hon. Friend join with him, and he would find that the West India interest would be better off in the hands of the free traders than while they were thus made the shuttlecock of political parties, and were bandied about from one to the other on the floor of that House.

Mr. *P. M. Stewart* said, the arguments advanced by his hon. Friend the Member for Stockport might be sound, according to his hon. Friend's school of political economy, but he did not think they would accord with the spirit of fair play which characterised the English nation generally. His hon. Friend had urged that the West India planters were few and weak—the inference being that, therefore, they should be dealt with according to the interests of that economy of which he was the advocate. The West India Colonies were the victims of the legislature of this country, and were it not for the particular system we had introduced, those Colonies would have been as regardless of differential duties, or of any amount of protection the Imperial Legislature might choose to continue to them, as the people of Manchester. But what was the hon. Member for Stockport's principle of free trade? Was it to place one man who was relieved from certain burthens, in competition with another who was still subject to them? The hon. Member had given notice of a Motion for the appointment of a Committee to ascertain what were the peculiar burthens upon land in this country; and had admitted that if it could be shown that they were obnoxious to such burthens, to that extent he would admit that the landed interest was entitled to protection. Now he said, let them give him a Committee to enquire into the especial burthens which fell upon the West India interest, and he believed he could prove their existence even to the satisfaction of the hon. Member himself. Was it a principle of free trade to place a colony without labour in competition with those countries where the supply of labour was unlimited? When the hon. Member for Manchester asked the Government on what principle they continued a protective duty, one would have thought that the present proposal was to continue the old prohibitory duty of 63*s.* instead of an advance towards the accomplishment of the object of the free traders themselves, by modifying the duty to 34*s.*; and by the amendment which would be moved in

Committee by the hon. Member for Bristol (Mr. Miles) he hoped it would be modified still more. The Legislature at first had proceeded, in regard to the West India Colonies, upon the principle of encouraging their cultivation by slave labour, and prevented the emancipation of slaves; then they took it into their heads (very properly he admitted) to emancipate the slaves, and to compensate the colonists for the loss; but how was that compensation settled? They had heard much of the munificent grant of 20,000,000*l.* (and he admitted it was munificent); but that was by no means a sufficient compensation for property which, as estimated by the valuers of the Government, amounted to 100,000,000*l.*; but, in addition to the 20,000,000*l.*, they instituted a term of apprenticeship, which was also to go as part of the compensation due to the planters. It, however, was soon urged that they should not stop in the progress of emancipation, and the apprenticeship was abolished, and then, while the 20,000 000*l.* proved to be only 17,000,000*l.* in actual payment, the twelve years apprenticeship turned out to be only six. It must also be recollected that when the Emancipation Act was passed, the House of Commons promised to encourage by every means in its power, and to provide facilities for the substitution of free labour for slave labour; that was, in fact, the point on which the cultivation of the estates depended, but up to this time no progress had been made in removing the restrictions upon the introduction of free labourers into the Colonies. Without labour, the Colonies could do nothing—give them labour, and the power of production would be tested, and the exports would decide the question of differential duties.

Mr. *Bright* thought if ever the protective system had been proved to be rotten and useless, it had been so in this case of the Sugar Duties—limiting, as they did, the supply of the article to the people, restricting the trade of the country, reducing the wages of labour and the comforts of the working classes, and risking the imposition of a heavy tariff of duties on our manufactures by the Brazils, which would in all probability destroy all that remained of our trade with that empire; and while this system was maintained to keep up high prices for the benefit of the West India interest, at the expense of the people of this country, they found that instead of conducing to the prosperity of the Colonies, it was tending to their progressive ruin. Perhaps there was never a time when the condition of these Colonies was more deplorable than now, after having for so long enjoyed the utmost amount of protection which the Legislature could give them. They found that the system of cultivation in the Colonies was bad—that there was great uncertainty, great want of capital, and a considerable and increasing deterioration in the value of property, arising in some measure from the uncertainty of the tenure of the protection which the Colonies still possessed. Under these circumstances a change was necessary, and the Government, who had entered office upon the principle of protection, found it necessary to reduce the amount of differential duty; but the change was not such as would bring about any alteration in the position of the Colonies. With a protective duty of 10*s.*, the planters would still cling to the broken reed, and depend upon the unjust and pernicious monopoly which would yet remain to them, instead of to their own exertions. By the proposed change the West Indies would receive perhaps one million less of protection; but they would still want the great stimulus of free competition? It had been urged that there was a scarcity of labour in the West Indies. Admitting that it was so, he would ask was there any scarcity of labour in the East Indies and the Island of the Mauritius? If the only argument for the continuance of monopoly in the West Indies was the scarcity of labour, that surely would not apply to the case of the East Indies and the Mauritius. It was but a few nights ago that the right hon. the Chancellor of the Exchequer said, in speaking of the East India planters, that they had a soil highly productive, easily cultivated, cheap labour, and great facilities of transit to this country; if that was their position, on what pretence was the House of Commons now to be called upon to give them a protection of 10*s.*? He thought he could suggest a plan which would suit the views of the right hon. the President of the Board of Trade and the West India planters, while it would relieve the people of this country from the necessity of paying this differential duty in the case of East India produce. In 1843 he found the quantity of West India sugar imported was 2,503,577 cwts., which at 10*s.* a cwt. differential duty, would produce, as protection, 1,251,788*l.* In the same year the imports from the East Indies and the Mauritius were 1,578,875 cwts., which, at

10*s.* a cwt., would give a protective duty of 789,437*l.* Now, according to the speech of the right hon. Gentleman, the object of the Government was, to give the people of England a better supply of sugar, or rather an ample supply, ample enough possibly for the right hon. Gentleman's own table, but not for the wants of the poor of this country. The object was, to give more sugar to the people here and to pay, at the same time, to the West India Colonies 1,251,788*l.* If that payment were necessary (and that was a question which he should be glad to have an opportunity of going into) on the ground of deficiency of labour, he should propose that it should be paid, if paid at all, and any other especial burthens existed, by a Vote of the House. The country would thus save upon the East India and Mauritius sugar 789,437*l.* a-year, and, considering the state of our finances, and the difficulties and embarrassments under which some trades and manufactures were labouring in regard to duties—as the cotton duties, for instance—he thought that money might be employed much more beneficially than in paying it to the East India and Mauritius planters, who had all the advantage which the Chancellor of the Exchequer proposed, without even the shadow of a claim to it. In regard to the corn monopoly it had been urged that the interest of the tenant farmer and the agricultural labourer required its continuance; but even this argument, futile as it was, could not be advanced in support of the sugar monopoly. They could not say that the protection here was for the benefit of the tenant farmer, for there were no tenant farmers; and as to the condition of the labourer, the avowed object of the planters was to obtain an immigration of labourers into the Colonies, for the purpose of reducing the wages of labour. The question, he knew, was one of a majority of votes against the interest of the people and those principles of commerce which both sides had admitted to be sound. The noble Lord the Member for London had used the arguments of free trade when he expressed a desire to see all the nations of the earth united together in one common brotherhood, but had maintained at the same time that there ought to be a differential duty as against the Brazils of 40 per cent. Did the noble Lord think that the imposition of such a duty would unite us in one common brotherhood with the Brazils and Spanish Colonies? He could wish that the noble Lord would show a disposition to adhere in practice to those principles which he acknowledged in the abstract to be true, but at which he unfortunately always faltered when he should proceed to carry them into effect. He thought those hon. Gentlemen who were favourable to restricting the hours of factory labour by legislative interference, with the view of increasing the enjoyments of the poor, could do no less than vote for his hon. Friend's Motion, which, while it left them free as to the hours of labour, proposed to remove those restrictions which the law of monopoly had imposed upon their comforts and power of consumption.

Mr. *Bernal* regretted the protraction of the debate, but it was not his fault or the fault of those who had preceded him. The House had been waiting in the expectation of a more detailed debate upon the Motion of the hon. Member, but some how or other they had been drawn *nolens volens* into a somewhat lengthened discussion upon the more general question of free trade, in the course of which taunts and insinuations had been cast upon the West India interest which it could not be expected those who were connected with that interest could pass by in silence. He had heard on various occasions the hon. Member for Durham (Mr. Bright) advert to the case of the West India proprietors, and again to-night he had cast upon them an insinuatton. the point of which, though it might have escaped the House, had not passed unnoticed by him. The hon. Member had insinuated that they desired an immigration of labourers into the West India Colonies, with the view of beating down the wages of labour, and reducing the condition of the labourer there. But if he was not mistaken, the hon. Member had on various occasions been the advocate of the great principle of immigration in regard to the West Indies. Then where was the hon. Gentleman's consistency, when he insinuated that the object of the proprietors was to reduce wages and the condition of the unfortunate labourers—thus prejudging, as it were, the case of the equally unfortunate West India proprietor. He had nothing to find fault with in the manner in which the hon. Member for Stockport had argued, though in some things he differed from him. He (Mr. Bernal) did not stand there as the advocate of monopoly, but merely to state his

case as one of a body—and because that body was weak in itself, and inefficient in its advocates, that was no reason why he should be beaten down and trodden to earth because he was a West India proprietor. The hon. Member for Durham had referred to the planters as men in an anomalous position. He had told them they had no tenants whose interests they were anxious to uphold, and had also taunted them with a desire to lower the wages of labour. In 1834, when emancipation was passed, the system of apprenticeship was established as a part of the compensation to be given to the owners, and what he complained of was, that that system had been abolished without the necessary steps of precaution, which should have preceded it, being taken. The West Indies were not prepared for the suddenness of the step. This country attempted to do what could only be done by the slow and certain lapse of time. Was the condition of serfdom abolished here all at once, or was it the effect of time? Why the change was brought about gradually, one statute after another preparing the public mind for its being effected. But in the West Indies they were required to do away with the state of vassalage almost all at once. They were required to adapt the black population to another and a quite different order of things; and when they were unable at once to effect all this, the mother country turned round on them in 1838, and said that the apprenticeship should summarily cease. Accordingly, the apprenticeship was terminated, and six years after the free system had been in operation, it was stated that it had been attended with complete success. He agreed, that the experiment had been to a certain degree successful. No set of people, emerging from bondage to freedom could have conducted themselves with greater moderation, temperance, and a more respectful observance of the laws, than had done the black population of Jamaica. So far the experiment had been successful, and so far no West India proprietor in his senses would ever dream of returning to the old system. But as far as the cultivation of most of the West India Islands went, he maintained that the experiment of emancipation had not been successful. It was as he had foreseen and predicted beforehand—no revolt had broken out—no atrocities had been committed—but there had been a time of silent and negative resistance. The West India population had facilities for keeping from labour which our working classes did not possess. The nature of the climate rendered the former independent. His food grew spontaneously, and he wanted little clothing or firing. Could they, under these circumstances, expect that a population just emerging from slavery, would set themselves very steadily and perseveringly to work? The fact was, that the West India proprietors could not obtain a very regular supply of labour. The system of cultivation was rather complicated, and a continuity of labour was required. The negroes, however, would frequently only turn out three or four days in the week, and that even in the very essential time of the year. What, then, were the West India proprietors to do? The labourers were quite independent of them. He had seen forty or fifty of them attending church mounted on their ponies. Now, how were they to deal with these people? They had not a population dense enough to render those who did work dependent upon employment. They had ground of their own to labour upon, and they availed themselves of it. He had pressed upon the attention of the managers, the propriety of adopting the system of contract labour, but they told him that they would hurry contract labour over to be paid, and get back to their own grounds as soon as possible. What then, he repeated was he to do? He could not, like Cadmus, raise up files upon files of industrial population. He wished he could. But they were, unfortunately, not able by moral or political maxims, to conjure up a state of things in a few years in the West Indies, which in this country, it took centuries to effect. With respect to the compensation said to have been granted to the West India proprietors, it was either compensation or it was not. He believed, that it was the latter. A sum of 300*l.* was no compensation for 5,000*l.* or 6,000*l.* Indeed, on the whole, he was sorry that the West Indian body had accepted the compensation money, for it had been of very little real benefit to them. He thought, indeed, that the offer of compensation was little better than a trap, into which he was surprised that the clear-sighted mercantile community should have fallen. The hon. Member for Stockport had asserted that the adoption of a principle admitting un-

limited competition, would have the effect of improving the system of agriculture, and putting a stop to absenteeism. As to the latter, many proprietors of West India estates had recently visited their properties, but he was sorry to say that these visits had been productive of evil rather than of good; and as to the improvements of the agricultural system in use, the hon. Members should have been aware that that had been going on for some time, and that every year new and improved machinery was being introduced into employment. But, again, the hon. Member for Stockport had referred to certain entries in old Journals of the House relative to the expulsion of projectors and monopolists. He did not know in which his hon. Friend ranked him; but this he did know, that bad as in many respects were the days of Charles II., that the general belief then was, that the colonial interests were identified with those of the public, and that, in fact, our Empire was mainly supported upon the pillars of colonial greatness. He was afraid that the end of that belief was at hand—that people were beginning to think that the Colonies ought to be treated as it was once proposed to treat Ireland—that they should be sunk in the sea, and that they should have free trade with all the world, without thinking of the Colonies or their interests. In describing the condition of the West India proprietors, he had told them nothing but the truth. He had exaggerated nothing, and he did believe that he exaggerated nothing, when he said that the great body of West India proprietors would be very glad to get rid of their estates then upon anything like reasonable terms. He had abstained on previous similar occasions from voting upon this subject, as the motives which influenced him might have been misconstrued—and he should pursue a like course at present.

Mr. *Roebuck* could not help feeling that men's opinions might be governed very much by their own peculiar interests; and it seemed to him that if he took the hon. Member for Weymouth as the advocate of the West India interest, he should take him in his true character. Before he touched at all upon the arguments of the hon. Gentleman, he would endeavour to bring before the House the question at issue—which was this: there was a commodity that entered largely into the comforts and habits of the community, viz., sugar, which could be derived from a large surface of the globe. From one part, it might be derived at an expense very small, and persons in this country might be enabled to use a large quantity of it; but here he might venture to inquire how it was that the poor people of this country should be unable to reap the benefit of their own labour, and what was to prevent them from obtaining that at a cheap rate? —What was the objection made by his hon. Friend? He made a distinction of two classes of persons, whom he described in very gloomy terms—first, the people of England; and second, those who were now distinguished by the term of "the West Indians." He described the people of England as poor and suffering, and he pointed to them as persons labouring hard to obtain a pitiful subsistence—as persons deprived of fuel, warm clothing, and food, and he then pointed to the favoured people of that country from which this particular article of sugar was drawn. And how did he describe them? Let him call attention to that class of persons who stood between the people of England and their desires. The hon. Member had described the large bulk of inhabitants of the West Indies as being persons who could with little labour, from the advantages of the climate and the favourable soil, produce that which the people of this country desired—they had all the comforts and luxuries of life. No; there was another class with which the hon. Gentleman peculiarly sympathised—a class small and insignificant as compared with the population of the West Indies—the English absentee proprietors. The hon. Gentleman described this class as bankrupts in fortune, as unable to maintain the position in which they had been accustomed to move, as unable to continue those luxurious habits in which they had been wont to indulge; and he contended that the poor impoverished people of England should be taxed for the benefit of this small, impoverished, and bankrupt class of absentee proprietors. The poor people of England, who were ground down, as the hon. Gentleman had said, by peculiar restrictive laws, who were rendered almost incapable of maintaining existence, asked one boon, among others, in order to soften and ameliorate their condition; but between the people and the accomplishment of their desire there interposed this bankrupt class, which now

claimed the commiseration of the House. Now, he (Mr. Roebuck) would venture to describe this bankrupt class—these West India proprietors. He asserted that they were no proprietors at all. The estates of these very men were mortgaged. [Mr. *Bernal*—" not all of them."] He would say, " Yes." But it was said, this class of persons was not represented in that House. The assertion reminded him of the description once given by a facetious Member of that House of a suit in Chancery. The individual to to whom he alluded said, that if you engaged in a Chancery suit, it was something like passing your hands over the keys of a harpsichord—up jumped twenty keys represented by so many lawyers. This was the case in that House whenever the interests of the West India proprietors were touched upon—up jumped twenty hon. Members at once to undertake their defence. The West India proprietors an unrepresented class! What, were they an unrepresented class in comparison with their real importance in the community? Why, if they were represented proportionately to their importance in the community, a fraction of a Member would be more than they really deserved. In this case the interest of the people of England was placed in competition with those of the West India proprietors; and the hon. Member for Weymouth (Mr. Bernal) had asserted that the proprietors had been forced into their present position by the people of this country. Now he was prepared to argue with the hon. Gentleman, that so far from this being the case, those who had undertaken to be dealers in sugar in the West India Colonies had, from time to time, come to that House, demanding from it and from the people of England protection for their nefarious trade. They were the persons who had in every possible way fostered the Slave Trade—who had induced that House to countenance that nefarious and abominable traffic—and who, so far from being dragged into their present position, had been the inciters and promoters of the whole mischief. He would defy the hon. Gentleman, or any one else, to refute these assertions. Perhaps the hon. Member for Oxford would answer him; but he begged to remind that hon. Gentleman that he knew something of Colonial history. Let that hon. Gentleman prove, if he could, that the people of England, unconnected as they were with the West India trade, had of themselves proposed to place any portion of the population of this country in the West India Islands, or to foster the Slave Trade. He could trace the progress of the Slave Trade from the time of Sir John Hawkins downwards; and he could show the House that a small band of adventurers, having taken possession of the West India Islands, and finding difficulty in obtaining a supply of labour, followed the example which had been set them by the importation of Africans into Spain, and afterwards introduced this nefarious trade into our North American Colonies, and spread the devastating plague throughout that continent. This was not done by the people of England in their collective capacity; it was done by individual adventurers, who, he conceived, had no reason now to complain of their fate. When the people of England saw the mischievous and nefarious nature of this trade, they interfered; and how? Did they vindicate for the slave his natural and ordinary position? Did they claim his liberty without payment or compensation to the men who had deprived him of his natural right? No. The people of this country gave compensation to the slave proprietors. But the hon. Member for Weymouth said, that that compensation was very insufficient and inadequate. What, would it be asserted now, that the compensation given was not most ample and magnificent? He asserted that it was magnificent, that it was exorbitant, and that, if the proprietors had been compelled to prove their loss, they would not have received the tithe of what had been awarded them in the shape of compensation. Now, what was the wish of the people? It was this—the commodity of sugar was one which obtained enormous consumption in this country; if it were furnished from the cheapest markets, an equal duty being paid on the produce of all portions of the globe at the present prices, the people of this country would be furnished with an ample supply of sugar, and the State would derive an enormous revenue from this source. But what prevented the accomplishment of the people's wish? Why, the hon. Member for Weymouth stepped in and said, " In times past we were led to adopt a system which was mischievous alike to you and to us; you offered us compensation; you bought our slaves; but you did not give us a fit com-

pensation, and therefore for all time to come, the people of England must be taxed in order to benefit the small body of West India proprietors." Now was a proposal of this nature consistent with common sense? He was at a loss to conceive how his hon. Friend had arrived at this conclusion. The hon. Gentleman had commenced by describing, very accurately, the situation of the people of this country; he had said they were a very miserable people. The truth of that assertion he (Mr. Roebuck) was ready to acknowledge. But the hon. Gentleman then gave a very remarkable description of the condition of the labourers in the West Indies. The hon. Gentleman said, that they only worked three days in the week, and that they rode on horseback to the fairs. [Mr. *Bernal*—"to the chapels."] Well, then, to chapel. The hon. Member described them as being well clothed, well fed, and well housed. It was evident, therefore, that the large body of people in our West India Colonies—the free black population—were in extremely happy and comfortable circumstances. The hon. Gentleman in alluding to the great revolution effected in the West Indies by the measure of Emancipation, had expressed his surprise that no revolt had marked the sudden change which that measure effected. He thought this fact showed that the nature of that change was fully understood by the parties by whom it was proposed. The people were to be prepared for freedom by the interposition of apprenticeship and of the whip. [Lord *Stanley*: "No, no."] He believed that the whip might be used under the sanction of the magistrate. This intermediate state, this system of apprenticeship, was at length ended, and what was the consequence? The hon. Member for Weymouth said the people would not work. Well, but were they not well fed, well clothed, and well housed? were they not happy? "Yes," said the hon. Gentleman, "but there are certain proprietors in this country," absentees, living, perhaps, in Grosvenor-street, or Wilton-place—"who have been accustomed to occupy a particular position in society, but who, in consequence of the labourers refusing to work, are unable to maintain that position." He believed a similar complaint was made on one occasion by an hon. Gentleman opposite with reference to the Corn Laws. How was it that the hon. Member for Weymouth who advocated free trade in corn, maintained that the same principles should not be applied to the trade in sugar? Was the House prepared to regard personal feelings and interests in a question of this nature, putting out of view the interests of the great body of the people? Would they legislate after this fashion, because a West India proprietor said that though the labouring population of those islands were happy, the proprietors themselves were unable to maintain the position they had hitherto occupied? [Mr. *Bernal*: "Hear, hear."] He saw this argument was a barbed shaft, and gave some pain to the hon. Member. If he had drawn his shaft against the hon. Member for Kent, that hon. Gentleman might have cried "Hear, hear," in another sense. The great doctrine of free trade ought to bear down all partial affections. The principle of buying in the cheapest market, and of selling in the dearest, should be adopted as their motto in commercial transactions; and they should not be induced by any petty party personal considerations to deviate from that great principle. He considered the question of unrestricted trade in sugar was more important even than that of free trade in corn; for he believed that if they had a free trade in sugar to-morrow, the importation of that article would far exceed in quantity and in value any importations of grain which might be anticipated if they had a free trade in that commodity. He considered that any one who opposed free trade in sugar was as much an enemy to the principles of Free Trade as that body which was designated "the corn-growing aristocracy of this country." He considered that the West India Islands had been most fatal appendages to this great Empire,—they had done us no service,—they had been the means of occasioning dreadful wars and fearful commotions,—they had put us to immense expense, and had given us nothing in requital. He believed, that if, to-morrow, by some accidental vicissitude, those Islands disappeared from the face of the earth, as far as England was concerned, however much she might mourn the loss human nature would sustain, she would not lose one jot of her strength, not one penny of her wealth, not one instrument of her power. He could not for an instant yield up his understanding to that extravagant pretence which

endeavoured to draw a distinction between slave-grown sugar and that which was not slave-grown. But every one who knew how cotton was introduced into this country,—every one who was acquainted with the condition of America and of Africa, must be convinced that these pretences were urged to satisfy a craving appetite for something like vulgar popularity. Those pretences were, however, like shadows, false and fleeting; and the people of England would hereafter discover that the great principles of Free Trade would, in the end, be most beneficial to them and to the world at large, by extending commerce and civilization to every portion of the globe, by uniting and knitting together the various portions of this habitable world in the great bonds of interest, and thereby ameliorating the condition of all by rendering it the interest and happiness of all to be in constant peace and amity one with another.

Viscount *Sandon* should not at this stage of the debate have risen to address the House on the question under its consideration, if it had not been for the language used by the hon. and learned Member for Bath. If he thought with that hon. and learned Member that the Colonial part of the British Empire was a burthen to this country—if he considered with the hon. and learned Member that those Colonies did not contribute to the strength and prosperity of the Empire, he might agree with the expediency, if not with the justice, of the hon. and learned Member's observations. But first, with regard to the expediency. The hon. and learned Member for Bath talked of the West India Colonies as a burthen to this country. Has that hon. and learned Member forgotten the great advantages which the manufacturing interest of this country derived from our Colonial possessions? Did not the consumption of British manufactures in the West India Colonies alone amount to nearly three millions per annum? They heard much of the importance of the Brazils in relation to the trade and commerce of Great Britain. On purely commercial grounds, he would ask, why they were to be more highly estimated than the West India Colonies, which took more of our produce, and of whose markets we were secure? Why were the West India proprietors so lightly talked of in reference to this question? Had not the West India proprietors formerly contributed three millions annually towards the support of this country? Was an annual tribute, as it were, to that amount spent within this country, of no importance? If he concurred in the opinion that these Colonies were a burthen on this country, he might agree in the expediency; but he still could not concur in the justice of the course proposed by the hon. and learned Member for Bath. Was the magnificent 20,000,000*l.* which had been so much talked of, and which was granted as compensation to the holders of slaves in the West Indies on the passing of the Slave Trade Emancipation Act—was it a real compensation to those who received it? Let the House look at the facts of the case. Compensation, to be compensation, must leave parties where it finds them—must replace parties in their original condition. Have the twenty millions done that? Did they not know that the West India proprietors who received that money have been ruined since its receipt? Has that compensation left the West India proprietors as it found them? It was no compensation to the West India proprietors at all. Most of the hon. Members who heard him had some acquaintances connected with the West India Colonies. He asked them if those estates, which yielded them incomes before the passing of the Emancipation Act, produced any at that moment? Why, what was the fact with regard to the present state of West India property? In one parish in Jamaica he had heard of no less than eighteen estates having been thrown up and abandoned. Was this compensation? Passing however the consideration of justice to individuals—looking at the question with reference to the proposed reduction of the duty on sugar, he thought that no course would be so pernicious and so shortsighted as that which would have the effect of sacrificing the West India Colonies. What was the quantity of sugar derived from the West India Colonies in proportion to the whole European supply? Why, one-sixth. They should consider that in the West India Colonies they had a large estate upon the other side of the Atlantic, and it was their duty to do their best to carry it through the great difficulties with which they had to contend. Whether they wished to have cheap sugar, or to make a real step towards the extinction of the Slave Trade, they were bound to assist the Colonies in the present struggle, to remove their difficulties by doing all in their power to afford the West Indies a supply of free-

labour. If they wished to promote the interests of the negro, and to extinguish slavery in other parts of the world, they should be careful to be able to show that the experiment of Emancipation had succeeded in their own West India Colonies, and not only to remove every obstruction which existed in the way of obtaining a supply of free-labourers, but to give every facility and encouragement to it which the State could lend. The hon. and learned Member for Bath had taunted the West India proprietors with having promoted and encouraged the nefarious traffic in slaves. If the hon. and learned Member had been more accurately informed he would have known that the Slave Trade was forced upon the West Indies. The hon. and learned Member who talked so loudly of the nefarious traffic in slaves would persuade the House to pursue a course which would give encouragement, activity, and permanency to the Slave Trade all over the world. Did the hon. and learned Member for Bath not know, that if the Resolution of the hon. Member for Dumfries was carried, the immediate and inevitable result would be to give an impetus to the Slave Trade? With regard to the proposition of the Government itself, he regretted that it had introduced the distinction between slave and free-grown sugar into our Custom House regulations; he found it could not practically be maintained; and unless the Government took early and efficient steps to encourage the growth of sugar in our own Colonies, it could not be denied that they must, by exhausting the produce of sugar in the countries which produce it by free labour, *pro tanto* give encouragement to slave-grown sugar. He could not avoid again referring to the question of emigration. They were now about to prepare some scheme by which free-labour would be allowed to be introduced from the East to the West Indies; let them at the same time, extend to the West Indies the boon which had been granted to the Canadas. Let them lend to those Colonies as they had to Canada, the advantage of the credit of the mother country. Without some such help, the proferred permission would be unavailing, neither funds nor enterprize would be found to undertake so large an outlay in the present condition of the Colonies. An emigration on a large scale conducted under the sanction of the Government, aud supported by the credit of the Government, could alone secure to the British consumer the advantage of a cheap and abundant supply of sugar without encouragement to the Slave Trade. Save the West India proprietors from ruin, and preserve these great and important Colonies to the Empire.

Mr. *Warburton* would not have addressed the House if it had not been for the proposition just made for raising a loan in this country for the West India Colonies. Looking at the former magnificent grant to these Colonies, and the manner in which it had been received, he was not disposed to sanction the proposal just made by the hon. Member for Liverpool. He wished to know distinctly upon what grounds the Motion of the hon. Member for Dumfries was opposed. He looked to the admission of the hon. Member for Cumberland and the hon. Member for Weymouth that under the protection of a differential duty, the West India Colonies were in a state of penury and destitution. If such was a fact, to what state would those Colonies be reduced by the proposition of the Government! They could not, according to their own admission be in a worse state. Let the House then, extend to these Colonies the advantages which would result from a free trade in sugar. The arguments of the hon. Member for Dumfries established that the Colonies would be benefitted by the adoption of the Motion which he had proposed to the House. He hoped that the Government would be induced to extend the principles of free trade to this article of commerce, as great advantages would result from the adoption of such a course.

Mr. *Maclean* observed, that some of the hon. Members, more particularly the hon. and learned Member for Bath, it would seem, from the line of argument they had adopted, were not aware that the origin of the West India trade and its growth from the year 1668 to the year 1780 was strictly attributable to the encouragement given to the parties engaged in it by the Parliament of England; and so much of popularity had it enjoyed at home, that in Charles the Second's time the King's own brother, the Duke of York, had put himself at the head of a company, the principal object of which was to supply the colonists with slave-labour. They too had, it would appear, yet to learn that so far from the colonists desiring this, they had formally protested against it, and, appealing to the Government at home to prevent its continuance, they were informed by the British Government that

the interests of the colonists would be injured if that supply of labour were suffered to be cut off. It appeared, therefore, that this was no fault of theirs. At present, the colonists were in a state of great distress, and unless the Legislature extended protection to their staple trade they must infallibly be ruined. Under such circumstances, they had a strong claim for protection both from the Government and the Legislature. From the great commercial importance of the West-India Colonies to this country, and the property embarked by British subjects in the trade of those Colonies, he must entirely dissent from the opinion expressed by his hon. and learned Friend (Mr. Roebuck) that if they were represented in proportion to their importance to the community, the fraction of a Member in that House would be more than they deserved. His hon. and learned Friend in making that observation had forgotten what he had advanced in the debate upon Canada during the period of popular excitement there—namely, that Canada, though a Colony, was as much an integral portion of Great Britain as an English county. Let his hon. and learned Friend apply the same principle to the West Indies as to Canada, and mete out equal justice to those Colonies, and then let him assert, if he could, that so large a portion of the Empire as the West Indies would be adequately represented by the fraction of a Member. He confessed he should like to know what the proposition of his hon. and learned Friend implied. Did it mean that we were to have a perfectly free-trade in sugar with all nations growing it? Was this meant as an indirect way gently to let down the West India Colonies? If so, he could understand it, and pretty nearly anticipate what might be expected to follow at home; for he could not help thinking the protection afforded hitherto by the Legislature to the sugar Colonies came within the same category as that which they still thought as fitting to give to labour at home. There could hardly be any proposition more clear in his mind than that in respect to our own grown corn it ought to enjoy protection. But if they were, as had been so strongly urged to-night, to let down the West India interest, and permit the free import of foreign sugar, or even at the same rate of duty as sugar from our own Colonies, what must be the presumption of what might be effected in respect to another important interest now enjoying protection? Did not the proposition excite in the minds of the friends of the agricultural interest some anticipatory fears that they would shortly be called upon, by reasoning just as plausible, to remove the protection given to our farming interest, and admit a free trade in corn? If it was to be so, in his opinion, it would be better that the country should know it at once. If this country was not dependent on trade—if ships, colonies, and commerce were not necessities for us—if colonies meant nothing but free-trade, then most men in this country had been under a great delusion. He trusted, therefore, that the Government would take an early opportunity of stating what steps they were prepared to take, and, particularly, that if the son of the British labourer should be induced to take his labour to those Colonies, he would go there under the ægis of British protection, and not find that he had gone out to till a soil which could not remunerate him because the produce of a more grateful soil was admitted to this country on advantageous terms to compete with the produce of his labour. He was opposed to the Motion of the hon. Member.

The House divided on the question that the words proposed to be left out stand part of the question. Ayes 259; Noes 56: Majority 203.

List of the AYES.

Acland, Sir T. D.	Berkeley, hon. G. F.
Acland, T. D.	Blackstone, W. S.
A'Court, Capt.	Blakemore, R.
Acton, Col.	Bodkin, W. H.
Adderley, C. B.	Boldero, H. G.
Ainsworth, P.	Borthwick, P.
Alford, Visct.	Botfield, B.
Allix, J. P.	Bowles, Adm.
Antrobus, E.	Boyd, J.
Arbuthnott, hon. H.	Bradshaw, J.
Arkwright, G.	Bramston, T. W.
Baillie, Col.	Broadley, H.
Baillie, H. J.	Browne, hon. W.
Baird, W.	Brownrigg, J. S.
Barclay, D.	Buckley, E.
Baring, hon. W. B.	Buller, C.
Baring, rt. hn. F. T.	Campbell, J. H.
Baring, T.	Cardwell, E.
Barnard, E. G.	Cavendish, hn. C. C.
Barrington, Visct.	Cavendish, hn. G. H.
Baskerville, T. B. M.	Chapman, A.
Bateson, T.	Chelsea, Visct.
Beckett, W.	Chetwode, Sir J.
Benett, J.	Christopher, R. A.
Bentinck, Lord G.	Clayton, R. R.
Berkeley, hon. Capt.	Clerk, Sir G.

Clive, hon. R. H.
Cockburn, rt.hn.Sir G.
Codrington, Sir W.
Colebrooke, Sir T. E.
Collett, W. R.
Colquhoun, J. C.
Colvile, C. R.
Compton, H. C.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Curteis, H. B.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Denison, W. J.
Denison, J. E.
Denison, E. B.
D'Eyncourt, rt.hn.C.T.
Dickinson, F. H.
Disraeli, B.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Drummond, H. H.
Duff, J.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, D.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Emlyn, Visct.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Feilden, W.
Ferrand, W. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fox, S. L.
Fremantle, rt.hn.Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, P.
Greenaway, C.
Greene, T.
Grimstone, Visct.
Grogan, E.
Grosvenor, Lord R.
Hale, R. B.
Hamilton, C. J. B.
Hampden, R.
Harcourt, G. G.
Hardy, J.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Hobhouse, rt.hn.Sir J.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Howard, hn. C.W. G.
Howard, Lord
Howard, hn. E. G. G.
Hume, J.
Humphery, Ald.
Hussey, A.
Hussey, T.
Hutt, W.
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jones, Capt.
Kirk, P.
Knatchbull, rt.hn.Sir E.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Leveson, Lord
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Mahon, Visct.
Mangles, R. D.
Manners, Lord J.
Marjoribanks, S.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Mundy, E. M.
Newdegate, C. N.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Ogle, S. C. H.
Paget, Col.
Palmer, R.
Palmer, G.
Palmerston, Vist.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J,
Pennant, hon. Col,
Plumptre, J. P.
Pringle, A.
Protheroe, E.
Pusey, P.
Rashleigh, W.
Reid, Sir J. R.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Ryder, hon. G. D.
Sandon, Visct.
Seymour, Lord
Shaw, rt. hon. F.
Shelburne, Earl of
Sheppard, T.
Sibthorp, Col.
Smith, A.
Smith, J. A.
Smith, rt. hon. R. V.
Smyth, Sir H.
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stanley, E.
Stewart, P. M.
Stewart, J.
Stuart, W. V.
Stuart, H.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, Sir F.
Tollemache, hn. F. J.
Tollemache, J.
Towneley, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Turnor, C.
Vane, Lord H.
Verner, Col.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J. B.
Welby, G. E.
Whitmore, T. C.
Wood, C.
Wood, Col. T.
Worsley, Lord
Wortley, hn. J. S.
Wortley, hn. J. S.
Wrightson, W. B.
Wyndham, Col. C.
Wynn, rt. hn. C.W.W.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

List of the NOES.

Archbold, R.
Berkeley, hon. C.
Bouverie, hon. E. P.
Bowring, Dr.
Bright, J.
Brotherton, J.
Busfield, W.
Clive, E. B.
Cobden, R.
Collett, J.
Crawford, W. S.
Dalmeny, Lord
Dashwood, G. H.
Dennistoun, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Elphinstone, H.
Fielden, J.
Fitzroy, Lord C.
Gisborne, T.
Granger, T. C.
Johnson, Gen.
Leader, J. T.
Marsland, H.
Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Morrison, Gen.
Murray, A.
Napier, Sir C.
O'Conor, Don
Pattison, J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Ricardo, J. L.
Rice, E. R.
Roebuck, J. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Stansfield, W. R. C.
Stock, Mr. Serj.
Strickland, Sir G.
Strutt, E.
Thornely, T.
Trelawny, J. S.
Villiers, hon. C.
Wakley, T.
Walker, R.
Wallace, R.

Warburton, H.	
Ward, H. G.	TELLERS.
Wawn, J. T.	Ewart, W.
Yorke, H. R.	Gibson, T. M.

The House resumed, Committee to sit again.

VESTRIES IN CHURCHES.] House in Committee on the Vestries in Churches Bill,

Mr. *Roebuck* said, he did not know what the Bill was about. He thought it would be well if measures of such importance were introduced to the House fully and fairly, and not brought forward in this extraordinary manner. He hoped that another instance of this mode of carrying on the business of legislation would not occur.

Sir *R. Inglis* believed that this was as harmless a piece of legislation as ever took place in that House. The evil which the Bill meant to remedy was acknowledged. It consisted of those scenes of contention and bitterness which so frequently occurred in the metropolitan parishes and parishes of great towns—scenes of the greatest impropriety, amounting at times almost to personal violence. He hoped the House would not object to go Clause by Clause through the Bill.

Mr. *S. O'Brien* assured the House that he had no wish whatever to take it by surprise, or press the Bill, without due consideration. The Bill had been introduced at an early period of the Session, and had subsequently undergone many alterations. He had only to say, that he had received letters from various parts of the country, not only from Churchmen but Dissenters, expressing their approval of the principle of the measure.

Mr. *Roebuck* observed, that this Bill contained matters of ecclesiastical cognizance, but a Bill had been lately introduced regulating the law with respect to ecclesiastical cognizance; and he was then to ask why matters of ecclesiastical cognizance should not be discussed in ecclesiastical buildings? According to this Bill the place of meeting was to be approved by the Bishop, although from time immemorial such matters were discussed in parish churches. Now, however, there existed a new-fashioned prudery about these matters which said you may levy the money off the people, but you may not have those matters discussed in churches, for want of decorum. He wished to know how it was that those gentlemen, and in particular the hon. Member for the University of Oxford, who were so much in love with the wisdom of our ancestors, by whom the Church of England was taken from the Catholics, and founded in the godly times of Queen Elizabeth, and by whom it was said that these questions of ecclesiastical cognizance were to be discussed in the church; he wished to know how it was that they now all of a sudden sprung up, according to the novel notion of Young England, or, as sometimes called, Little Britain, to deprecate this ancient custom. How could they agree to this, namely, that it was not right to discuss matters in churches which from time immemorial, had been discussed in the church, unless approved of by the Bishop? It was introducing a totally distinct rule in the Church of England. If this, which was a matter which trenched upon every parish in England, and upon every community connected with the Church of England, and which infringed upon their rights and privileges, was to be brought forward by a private member of the Church, who entertained some fancied opinion of decorum on his own part, he must say that it would not be decorous of the House to entertain it so far as to throw this power into the hands of the Bishops. He contended, that what was fit to be levied for Church purposes might be discussed within the walls of the church without any indecorum or impropriety. Could the walls in any way be polluted by any one saying some foolish thing? If that were the case, such walls had been defiled enough. He wanted the hon. Member who had brought forward this measure to tell him not of something indecorous having been done in London, but to bring forward facts to support the necessity of his measure, and let the House judge whether they were indecorous or not, and whether they had commenced with the Clergy or the people; and whether that indecorum was to be made a plea for robbing the whole people of a right which they had possessed from time immemorial, and for giving new powers to the Bishops? The Bishops had power enough already, and he would rather curtail that power than increase it. Would the hon. Member produce his facts? [Mr. *S. O'Brien:* Yes; I will.] Then the House would have a bill of indictment against the people of England, and a plea for robbing them of a privilege

which they had enjoyed from time immemorial. Then the House would say how many strange things were conglomerated together to make out a case to justify that robbery, and to give fresh power to the Bishops, as was proposed under the 3rd Clause, which gave the Bishop power to direct where a meeting should be held at the expense of the parishioners, but not under the dome and established roof in which they had been accustomed to assemble, and which, if it possessed the reverence which was ascribed to it, must certainly tend to increase that order and decorum which the hon. Gentleman desired.

Mr. *Warburton* thought it right that the hon. Member who introduced the Bill should state the grounds upon which it was founded. If vestries met in public-houses their discussions would probably be assisted with a little tippling, and he confessed that he thought there would be much more brawling, though not in churches, if the vestry were to meet in public-houses instead of in ecclesiastical buildings. He thought it would be better that no vestry should be held at all than that they should be held under such restrictions as the Bishop might impose. There were, he believed, 11,000 parishes in England included in this Bill, and he did not presume that the hon. Member had corresponded with all those parishes. He contended, indeed, that the Bill was not known at all as it certainly should be, before it reached the stage in which that Bill then appeared to be. After the hon. Member should have explained the nature of the Bill, then he (Mr. Warburton) thought that the Chairman should report progress, and ask leave to sit again, because then the country would have an opportunity of expressing their opinion upon it. At present, this was the first semblance of a discussion that had been had upon the Bill.

Mr. *Hume* moved that the Chairman should leave the Chair.

Mr. *S. O'Brien* said, before that request was acceded to, he wished to make one or two observations; and, first, to express his regret that no Member of the Government had risen to support the Bill. It was impossible for him to answer so many objections as had been raised to the provisions of the Bill—some to the effect that it did not go far enough, others that it went too far. The hon. and learned Member for Bath asserted that the Bill originated with some persons of peculiarly sensitive feelings, or in some squeamish scruples. If the hon. and learned Member numbered him amongst those persons, he must say that he was not so obstinately bigotted in favour of old allusions as the hon. and learned Member appeared to be, refusing to bend or to arrange them to the varying circumstances of the times. So far from this Bill being a new principle, he must say, if he might be allowed to take the authority of the statute books, in opposition to what was, in his own opinion at least a much higher authority—the *dictum* of the hon. and learned Member for Bath, that the principle of the Bill was at least thirteen years old. He contended that the Bill was consistent with Hobhouse's Act, and he was sure the people of England would not be content to allow such scandal to continue as had taken place in their national churches. From Her Majesty's Government on the present occasion he was not fortunate enough to receive any assistance. He had not conferred with them in private, and it was utterly hopeless to confer with them in public. He feared he should be obliged to trust to his own almost unassisted efforts in endeavouring to carry out the Bill, but he certainly would not acquiesce in any proposal to get rid of it on this stage, because, he repeated, the more the people of England were made acquainted with the provisions of the Bill, the more would they be inclined to support it.

Sir *R. Peel* said, there had been so much of other important business before the House, that hon. Members might fairly be excused for not directing much of their attention to this Bill. It was quite fit that opportunity should be given to form an opinion on its merits, but that was perfectly different from prohibiting the progress of the Bill altogether; he would not, therefore, sanction any Motion which would have the effect of preventing hereafter its fair consideration. Some of the objections which had been made deserved attention; for instance, he did not see what answer could be made to the alleged effect it would have on Sturges Bourne's Act. However disrespectful it might appear to his hon. Friend, that the Government had not given him any assistance on the present occasion, he begged to inform him that they found it sufficiently difficult to attend to their own

Bills. He would decidedly oppose any Motion which would have the effect of extinguishing the Bill altogether, but he would advise his hon. Friend to acquiesce in the proposal, which would operate as a notice to the House, that on a future occasion he would call attention to the provisions of the measure.

Mr. *Roebuck* put it to the right hon. Baronet whether, after the acknowledgment he had made that the members of the Government had hardly time enough to attend to their own Bills, they would allow such an important measure as this, which would affect the whole parish law of the country, to be brought forward by any private Member, without saying whether they were prepared to oppose or support it?

Sir *R. Peel* was not prepared to go quite so far in support of the monarchical principle as the hon. and learned Gentleman advised. There were some Constitutions, having popular assemblies, where the principle was that the Crown alone should originate legislative measures. The Greek Constitution was discussed the other day, when it was proposed, that no measure should be originated by any private Member, unless he had the sanction of the Crown. He was decidedly opposed to such strong monarchical proceedings; and he thought individual Members of Parliament, notwithstanding what the hon. and learned Gentleman had said, had a perfect right to introduce such measures as they thought fit without the sanction of the Government.

House resumed.

Committee to sit again.

Joint-Stock Companies.] Mr. *Gladstone*, in moving the second reading of the Joint-Stock Companies Registration and Regulation Bill, with which was connected the Joint-Stock Companies Remedy-in-Law and Equity Bill, said, that though of great importance, these two measures had not been much discussed in that House; but they had obtained considerable notoriety, and so far as he could judge from communications he had received, and also from what he had observed in the papers, he judged that the principles on which the Bills proceeded met with pretty general, or indeed he might say, universal approval. Their main provisions went to give a statutable position to Joint Stock Companies, subjecting them to general inspection, and providing for their constitution and regulation. Now, as the measures involved considerable alterations of the existing law, he hoped Members who intended to propose amendments would give proper notice of them, that they might be duly considered.

Both Bills read a second time.

Poor Law—Gilbert Unions.] Captain *Pechell*, in moving that the name of Colonel Rolleston be substituted for that of Mr. B. Denison, on the Gilbert Unions Committee observed, that he was aware the Committee comprehended a considerable proportion of Members friendly to the New Poor Law and hostile to the Gilbert Unions; and that some of them had, in fact, voted against the proposition for an inquiry on the subject on a former occasion. He hoped, however, that they would proceed on the inquiry with a view really to ascertain the merits and operation of the two systems now put in opposition; and though he might have some doubts as to their predilections in favour of the New Poor Law, he did expect that such evidence would be produced as would work in their minds the conviction that the abused incorporations were not so bad as the Poor Law Commissioners had represented. He did not wonder at the doubts and the distrust expressed by different parties as to the appointment of the Committee, seeing how hostile the Commissioners had proved themselves to these incorporations. But he believed, that if fair play were given, if witnesses were allowed time to come up, and the evidence were properly arranged, and Government aided duly in promoting the inquiry, and causing the Poor Law Commissioners not to argue the question as all on one side, he feared not the result. He trusted that the House would consent to the proposition he had to make, the hon. Member for Yorkshire having engagements on other inquiries, and business of various descriptions rendering it impossible that he should attend this Committee, while the hon. Member for Nottinghamshire was peculiarly qualified to throw light on the subject, he having both been Chairman of Poor Law Unions and of a Gilbert Union, which had been transmogrified as the Poor Law Commissioners wished to transmogrify all those incorporations.

Sir *J. Graham* must resist the Motion. He had the greatest respect for his hon. Friend the Member for Nottinghamshire; but he had pleasure in seeing (behind him) his hon. Friend the Member for Yorkshire (Mr. B. Denison), who, he doubted not, would properly attend to his duties on this Committee; nor did he see why the hon. Member should be displaced, more especially as one of the other Committees to which he belonged had prepared its report, and his hon. Friend would, no doubt, attend on this Committee as much as was consistent with other such engagements.

Mr. *Colvile* expressed his extreme dissatisfaction at the unfair composition of this Committee. He would recall to the recollection of the right hon. Secretary of the Home Department what had occurred in that House in connection with the Gilbert incorporations. Some three years ago the hon. Member for Finsbury proposed that a Select Committee should be appointed to inquire on the subject. This was refused by the right hon. Secretary for the Home Department, and in the following year, a deputation from the Gilbert Unions having waited on him, he expressed his determination to persevere with the Clause he then proposed for the abolition of the Gilbert Unions. It was, therefore, with some surprise that these parties learned this year that it was not the right hon. Baronet's intention to introduce that Clause; but he was kind enough to say, that he would appoint a Committee; and he had in good earnest appointed one. He wished to speak with all respect for the Gentlemen composing this Committee. He believed them to be men of honour, and men of integrity; but he must say, that from the prejudices they had shown in regard to the Poor Law, he could not, and did not hope for justice from the Committee. All he asked was, that the case of the Gilbert Unions should be fully and fairly tried before an impartial Committee; and the result would then show that it was the best system for the relief of the poor. With these feelings, he should support the Motion of the hon. and gallant Gentleman.

Mr. *Wakley* regretted that the hon. Member who had just spoken had not attended this Committee from the commencement of its meetings, for he could not have been led to the conclusion, whatever might be his opinions with regard to the constitution of the Committee, that anything like dishonest proceedings was to be expected. It was impossible for any majority to conduct themselves in a more lenient or forbearing manner towards a minority than did the majority of this Committee. They had agreed to all the suggestions of the minority. It was true that a large majority of the Committee were in favour of the New Poor Law; and, though he was at first dissatisfied with the composition of the Committee, yet, having witnessed the conduct of the Committee, he was satisfied that a fairer course could not be pursued than that which they followed. He regretted that the right hon. Secretary for he Home Department opposed the present Motion, because there was an understanding that the hon. Member for the West Riding of York would not be able to attend, and he thought the substitution which was proposed would give satisfaction to persons residing in the Gilbert Unions.

The House divided on the question that Mr. Beckett Denison be discharged from attendance on the Poor Relief (Gilbert Unions) Committee—Ayes 10: Noes 18; Majority 8.

List of the AYES.

Archbold, R.	Villiers, hon. C.
Borthwick, P.	Wakley, T.
Colvile, C. R.	Wawn, J. T.
Ferrand, W. B.	
Napier, Sir C.	TELLERS.
O'Connell, M. J.	Pechell, Capt.
Redington, T. N.	Yorke, H. R.

List of the NOES.

Brotherton, J.	Henley, J. W.
Cripps, W.	Lincoln, Earl of
Eliot, Lord	Martin, C. W.
Escott, B.	Sutton, hon. H. M.
Evans, W.	Trelawny, J. S.
Fremantle, rt.hn.SirT.	Trotter, J.
Graham, rt hn. Sir J.	Vesey, hon. T.
Greene, T.	
Grogan, E.	TELLERS.
Hawes, B.	Young, J.
Heathcote, Sir W.	Pringle, A.

House adjourned at one o'clock.

HOUSE OF LORDS,

Tuesday, June 11, 1844.

MINUTES.] *Sat first.*—Viscount Sidmouth, after the death of his Father.

BILLS. *Public.*—1ª. New South Wales, etc. Government; Marriage Act Amendment.

2ª. St. Asaph and Bangor Dioceses; Vinegar and Glass Duties.

Reported.—Copyhold and Customary Tenure Acts Amendment.

Private.—1ª. Lady Le Despencer's Estate.

2ª. West Croft (Nottingham) Inclosure; Nottingham (West Croft Canal) Improvement; Stratford (Eastern Counties) and Thames Junction Railway; London Gas Light Company.

Reported. — Stone's Estate; Sidmouth and Collumpton Road; Pulteney Town Harbour and Improvement.

3ª. and passed: Leeds and Bradford Railway; Swansea Harbour.

PETITIONS PRESENTED. By the Bishop of London, from Staines, against the Dissenters Chapels Bill.—By Lord Lyttleton, from Members of the United Church of England and Ireland, for Restoring the Powers of the Convocation.—By the Bishops of Salisbury, Exeter, and Winchester, and Earls of Galloway, Devon, and Powis, from Pydar, and several other places, against the Union of St. Asaph and Bangor.—By the Marquess of Downshire, from the Royal Dublin Society for Legalizing the Proceedings of Art Unions.—By the Earl of Malmesbury, from Christ. church, and 2 other places, for Protection to Agriculture. —By the Earl of Kinnoul, from Perth for Legalising Marriages solememnized by Presbyterian and Dissenting Minlsters in Ireland.—By Lord Lorton, from Guardians of the Roscommon Poor Law Union, against the Poor Laws (Ireland).

SANATORY CONDITION OF THE LOWER CLASSES.] The Marquess of *Normanby* said, that before proceeding with the Order of the Day, he would take that opportunity to put the questions to his noble Friend, the Lord Privy Seal, of which he had given notice yesterday, relative to the promised Report on the Sanatory Condition of the Lower Classes. He had on several occasions called their Lordships' attention to this subject; but still its very great, indeed its paramount importance, would justify him, he conceived, in again bringing it forward. He should, therefore, in the first place, inquire of the noble Duke (Duke of Buccleuch) opposite when the Report of the Commissioners respecting the Sanatory Condition of the Lower Classes in the metropolis and other large towns was likely to be laid on the Table. He must also observe, that from the answer which he received from his noble Friend the last time he submitted this matter to the House, he was very doubtful whether that Report would be accompanied with any recommendations from the Commissioners for the adoption of immediate remedies to the evils which were admitted on all hands to exist in connection with this subject. He had put this question at the commencement of the present Session, and was informed by the noble Duke, that such a Report as he had alluded to was in progress, and that he hoped it would shortly, with all the necessary information, be laid before their Lordships. At a later period he repeated the question, and further, whether the Report would contain any recommendation of means calculated to remove the evils complained of? On that occasion the noble Duke accounted for the delay in the production of the Report, and founded his defence of it on the difficulty of dealing with the subject, and on the consideration of the expense which must necessarily attend extensive alterations in the existing system. He need not repeat what was then said by the noble Duke, but he must now contend that it was of the utmost importance that another year should not be allowed to pass over their heads without some effectual steps being taken to meet those evils which were perfectly well known to exist. A Report had been formerly presented on this subject, and he believed that all further evidence that had been adduced proved the melancholy accuracy of the statements contained in that Report. That Report dwelt strongly on the fearful loss of life which was caused by the want of proper drainage and ventilation in the abodes of the poor. It was calculated that a loss of 50,000 lives annually occurred in the metropolis and other large towns, occasioned by diseases which might be prevented by ordinary care, and the enforcement of well-considered sanatory regulations. With respect to the subject of expense which had been raised, that Report contained a calculation bearing directly on that very point. That calculation, it was true, referred only to one particular town, but the principle was of general application. In the evidence appended to the Report, Mr. Lewis, the minister of a large parish in Dundee, was asked a question as to the annual cost which was incurred in that town by fever cases from these causes? He said, in reply, that putting out of consideration the sacrifice of human life, and the loss that was occasioned by the destruction of man, regarding him as a mere machine, the annual cost for the town for the fever cases with which the poorer classes were afflicted was not less than 25,000*l.* Therefore the cost for this town alone, for the last four years, when the subject was first brought before Parliament, was not less than 100,000*l.* He would strongly urge those noble Lords who had not read the Reports already published to do so, for he could tell them that if they did so they would find proved to demonstration that the condition of the poorer classes residing in the great towns had been for some time past annually deteriorated by the want of the appliance of some of those remedies which he had so often recommended them to adopt. It was stated

on the authority of Dr. Arnott and Mr. Chadwick, that if reference were made to the state of the prisons when first examined by Mr. Howard, the description given of them was nothing in comparison to the state of some of the wynds in Glasgow and Edinburgh, and the cellars of Manchester and Liverpool, and to some districts in Leeds and some parts of the metropolis. In his opinion, with so much evidence, with so many facts before them, the delay of the Government, in endeavouring to remedy these evils, was wholly unnecessary. Much valuable information had been collected by the Commissioners on this subject, and every person who seriously viewed the subject must be satisfied that something ought to have been done before this. He thought he might add as a certainty, that all the reasons which had been advanced in support of delay might have been met and disposed of by the attentive exertions of well-informed and experienced persons within a quarter of the time that had been now consumed. They were in possession of all necessary information for legislating upon these evils, and for not acting upon this the Government were clearly responsible. He begged leave to ask another question. His noble Friend stated on a former occasion, with regard to the Buildings Regulation Bill, that although in the first instance it was intended to be confined to the metropolis, to see how it worked, and that if it was successful in the metropolis it should be extended to other towns, his noble Friend distinctly stated that he was not prepared to extend this Bill to other towns during the present Session, but that he would do so, most probably, next year. Now this Bill had been brought forward in the House of Commons between three and four months ago, and it had not been proceeded with. He would, therefore, ask whether this first specimen of legislation on this subject, which was only a trial, was to be proceeded with, and whether there were any hopes that this Bill would come up to that House in time to give any attention to it during this Session? His questions then were these—1st, When the Report on the Sanatory Condition of the Poor would be presented? 2nd, Whether it would contain any suggestions of a remedial nature, which could be submitted to the Legislature and carried into effect this year?—and 3rd, Whether the Metropolitan Buildings Bill was likely to come before their Lordships this Session?

The Duke of *Buccleuch* said, no person was more sensible than he was of the great evils with respect to the sanatory condition of the poor that existed in the metropolis and elsewhere; but he was equally sensible that it was more easy to discover the existence of these evils than to devise remedies which could be practically carried into effect. They ought not to act in a matter so beset with difficulties without great caution and deliberation. As an illustration of this, he would mention that a Private Bill had received the sanction of the Legislature for the improvement of a large town in 1842—he alluded to Leeds; but that act, which was intended to have done much, had turned out to be a mere dead letter. A most able report and survey of this town had been made by Captain Vetch, and, above all, as to an extended plan of sewerage. It had, however, been determined by the authorities there that a small portion of the town should have sewers immediately, and an attempt was made to carry this into effect; but this had been done in such an unfortunate manner, in consequence of the ignorance or carelessness of the persons employed in the execution of the work, not following the directions contained in that report and survey, and not paying due regard to the levels, that for a very considerable distance up some of the sewers the water flowed back, the drainage failed, and the money expended was thrown away. This showed the necessity of proceeding cautiously. With regard to the Report, he must observe that this was not a Parliamentary Commission, and it had not to report to either House of Parliament; but it was a Commission appointed by Her Majesty, to whom the Report would be made, and no doubt the document would be communicated to that House. The Report was in a state of forwardness—it was in point of fact at the present time under revision, but he could not fix a period within a few days when it would be ready for presentation. He must observe, also, that there were a great many details which it would be requisite to embody in the Appendix, which were not yet ready. He could not hold out to his noble Friend that there was much prospect this Session of bringing forward measures which could be carried, founded on the Reports of the Commissioners. There was no doubt, he believed, entertained as to any want of attention or anxiety on the part of either the Commissioners or the Government, to carry out remedial measures for the benefit of the

poorer classes of those large towns; but it should be recollected that it was a task of extreme difficulty to devise measures to meet these evils—measures which should be effectual not merely in appearance, but in reality. It was most difficult to estimate the amount of the expense that must be incurred, and how that expense was to be defrayed. It was also a matter which required great consideration as to the mode in which the provisions of a measure on the subject should be enforced, and as to the supervision under which the means of enforcing the regulations should be placed. The noble Marquess was aware that at present there were several General as well as Local Acts for improvement of large towns, under which little or nothing had been done. He believed that if they had been carried out properly, and as far as they might be, many of the present causes of complaint would not be found to exist. As to the miserable condition of dwellings in cellars, to which the noble Lord alluded, he would refer him to the town of Liverpool, with respect to which an Act had been passed which touched on the subject. It appeared that 22,000 of the poorer classes of that place resided in cellars, from which they would be ejected on the 1st of July, if the Local Act to which he had just alluded was carried into effect. Now, under this Local Act no provision had been made for the future residence of this large class of persons, and they might be turned out of their present abodes, with no roofs under which to place their heads. He mentioned this as an instance of the nature of the difficulties with which they had to contend. With respect to another question of the noble Marquess, it was not in his power to say whether, in the first Report that would be presented, he hoped, in a few days, any specific remedy would be pointed out to meet those evils. As to the Bill introduced into the other House by a noble Friend of his, as to Metropolitan Buildings, he should state that since it had been introduced, it had been extensively circulated amongst builders and other persons of experience on the subject, and many valuable suggestions had been received in consequence, and many of them had been adopted with the Bill, and it had been reprinted with them. He trusted that the Bill would pass during the present Session of Parliament.

The Marquess of *Normanby* could not say that the explanation of his noble Friend was at all satisfactory. He felt assured, from the tenor of his noble Friend's reply, that these crying evils would be allowed to continue, without an attempt at remedy, until next Session.

St. Asaph and Bangor Dioceses Bill.] The Earl of *Powis* presented petitions for the repeal of so much of the Act of the 6th and 7th William IV. as relates to the Union of the Sees of St. Asaph and Bangor, from the minister and inhabitants of the parish of Alnwick, in Northumberland; the rector, freeholders, and other inhabitants of the parish of Llangyniew, Montgomeryshire, the minister and congregation of the Welsh Metropolitan Church, Ely Place, Holborn; and the town of Tonbridge in the county of Kent, and its vicinity. His Lordship then said, that in rising to propose the second reading of the Bill of which he had given notice, he could hardly perhaps have had a more favourable opportunity of conveying to their Lordships the great interest which was felt throughout the length and breadth of the land upon the subject matter of this Motion, than that which had been accidentally afforded to him by the petitions which he had just had the honour to bring before the House, all of which he had received within the last four-and-twenty hours. Never, since he entered into public life, had he felt greater anxiety than he did now to discharge the duty which he owed to those who had intrusted him with their petitions. He could assure their Lordships, nobody could feel more sensibly the difficulty which any individual Peer had to encounter, who had to introduce to their Lordships' notice an important Church Question, and to find that he was to be opposed to two noble Lords of the greatest weight and consequence in the country, and to whose opinions the House was accustomed on such topics to defer. He need hardly say, that one of those to whom he alluded, was his noble and illustrious Friend near him (the Duke of Wellington). To him, upon any occasion, it was most painful for him to be opposed. The other was the most Rev. Prelate who presided over the Church (the Archbishop of Canterbury), and whose conduct and character had gained for him the esteem and respect of all classes, even of those who had the misfortune to differ from him in opinion. He must therefore entreat their Lordships to extend to him upon this occasion that indulgence which he had before experienced at their hands, and to believe that he had not brought forward the mea-

sure he now pressed upon them without the most urgent desire and full concurrence of that part of the country with which he was connected. It was his duty to satisfy their Lordships, that he did not appear before them inconsiderately or without good grounds. With this view he would draw the attention of their Lordships to two documents which he held in his hand; both urging him to persevere in his efforts, and to apply again to the House to avert the union of the two sees. The one was an address from the Dean and Chapter of Bangor, the other an address from the Dean and Chapter of St. Asaph, signed also by other clergy of the diocese assembled at the meeting of the Church Societies at St. Asaph. The latter document he would take the liberty of reading to their Lordships, as it would serve to show the sentiments of the clergy of North Wales, and to prove that they regarded the matter with no common feelings. The other was from the Dean and Chapter of St. Asaph, urging him to persevere in his efforts, which proved that they regarded the matter with no common feelings. The following would show their sentiments:—

"May it please your Lordship,—We, the undersigned, the Dean and Chapter of St. Asaph, beg respectfully to express our grateful sense of your exertions in behalf of the primitive constitution of the Church in North Wales. The impending measure, which threatens to deprive us of our ancient Bishoprics, has been deprecated by Welchmen of every description and with every variety of motive. Men of the world have exclaimed against the practical loss to our country; men of antiquarian and national feeling have protested earnestly against a breach in those institutions hallowed by historical reminiscences which are a people's best inheritance; while the Clergy and others, who have learned to consider the constitution of the Church as a blessing and a sacred thing, have seen, with feelings too painful to be expressed, her very rulers and friends demolishing the ancient bulwarks and withdrawing the shepherd from the flock. Nor should it be forgotten that we have to contend against unusual difficulties of language and of prejudice; that we have been labouring for many years to stem an overwhelming tide of dissent; and when we looked to our English brethren for sympathy, if not for assistance in the arduous struggle, they began to destroy the very bulwarks and defences that remained to us. Under these circumstances, it was reserved for your Lordship to come forward and express the almost unanimous opinion of your country, and of a large part of the Church throughout England, in deprecation of such a measure; it was your good fortune to convince those open to conviction by the weight of your arguments, and to conciliate those most opposed to the temper in which they were urged.

"We beg your Lordship to believe we are not unmindful of those services; nor can we refrain from associating in your claims upon our gratitude the Viscount Clive, the heir, we trust, of your virtues as well as of your rank, who has given such early and such decided proofs of his attachment to our country and our Church.

"Permit us to hope that, should this measure be persevered in from mere compliance with what is expedient for the moment, you will again come forward to defend the precious relics of our national glory, our Apostolic Church, and her ancestral altars; and may your exertions be crowned with that Divine blessing which, we trust, from the sacredness of the cause, it is not presumptuous to expect.

"But whatever may be the result, our admiration, our good wishes, our prayers, for your continuance in every good work, are most justly your due; and it can never be a matter of regret for you to have linked your own name and that of your family to the history of the British Church, and to have interwoven them at the same time in the best affections of your countrymen.

"Given under our Chapter Seal."

The same feeling pervaded the whole of North Wales, and it was not limited to the higher Clergy alone. All equally partook of it. In the course of the present Session he had received petitions from every county in North Wales, as well as from two counties, Pembroke and Cardigan, in South Wales, and from Cheshire, Shropshire, Herefordshire, Worcestershire, Warwickshire, Oxfordshire, Bedfordshire, Hertfordshire, Sussex, Hants, Kent, York, and Northumberland; sufficient, in his opinion, to manifest in a striking manner, the feeling that pervaded the Clergy throughout England. He would now proceed to state the grounds on which he ventured to claim their Lordships' attention to the Bill for Repealing the Union of the two Sees of North Wales. He was not asking them to take any unprecedented step. Soon after the passing of the Act of 6 and 7 Will. IV., it was found desirable to repeal so much of it as related to the union of the See of Sodor and Man with the Bishopric of Carlisle. The passing of this measure so soon after the enactment which it was to repeal, and before that enactment had taken effect, proves that in that case the Act was not considered infallible. Why should not their Lordships now grant to the inhabitants of North Wales, what they had

accorded to the inhabitants of the Isle of Man, when by so doing they would be consulting the wishes of the Clergy and laity in all parts of the Empire? Since last year he had received fresh information, founded upon the actual working of the Act in another Diocese, in which its provisions had been carried into execution—information which gave him additional grounds for pressing this Motion upon their Lordships' attention. The case to which he alluded was that of the Dioceses of Gloucester and Bristol, which had been united by the 6 and 7 Will. IV. Remarks were made in their Lordships' House last year, which conveyed to the united Dioceses information, that persons high in authority amongst their Lordships, believed that the Legislature had united the Sees of Gloucester and Bristol with the almost unanimous consent of the Church; that no complaint had been made of any evil arising from their union; and that the government of the Church was there carried on to the general satisfaction of the inhabitants. The reverse of this was so decidedly the case as respected the feeling of the Clergy of the united Dioceses, that they immediately resolved to address the Lord Bishop of the Dioceses, through the medium of the Rev. R. W. Huntley, who had been their Proctor in convocation, in the following terms:—

"We feel it to be an imperative duty to express in some way, our decided dissent from these statements; we therefore request you, as one of our Proctors in convocation, to take the earliest opportunity of waiting upon the Lord Bishop of these Dioceses, associating with yourself such of the Clergy as you may think convenient, and of stating respectfully to his Lordship, that this union has never had our consent, and that we believe it to be disadvantageous to the Church in these Dioceses, notwithstanding his Lordship's constant, laborious, and self-denying exertions, to encounter the heavy additional responsibilities imposed upon him, by which he has deserved the affection and gratitude of the Church in general; and for which, we also beg of you to express to him particularly our most dutiful thanks and lasting obligations."

But in order fully to convey to their Lordships the extent to which the feelings thus expressed prevailed in the Dioceses, it would be well to add the following postscript, from a letter of Mr. Huntley's, dated August 10th, 1843.

"I ought possibly to add that of the Clergy, who in their letters to me, from various reasons decline to sign the circular, the whole with the exception of about three, consider the union of the sees to have been disadvantageous."

He would now call their Lordships' attention to the Report of the Commissioners appointed to inquire into the causes of the disturbances in South Wales, and he would remind their Lordships, that those Commissioners ascribed as the principal cause the inefficiency of the Church in that part of the country. It had been stated that the poorer Clergy took no interest in the matter, and were quite indifferent whether the sees were united or not. He should endeavour to obviate that objection by reading an extract from a Petition from an obscure Chapelry, which appeared to him to express powerfully and well the sentiments universally entertained by the Clergy throughout North Wales. It was from the Minister and inhabitants of the Chapelry of Nerquis, in the parish of Mold, in Flintshire. The extract which he wished to read was the following:—

"That your Petitioners finally deprecate the intended union as an act of spoliation of a portion of God's vineyard; and, therefore, though they acknowledge the great need of an Episcopal See at Manchester, they humbly but earnestly pray your right hon. House to Repeal so much of the Statute 6 and 7 of his late Majesty as provides for it, by means of such union; a provision which, while it contemplates a good at Manchester, loses sight of the evil consequence to North Wales; is founded on human expediency, not on holy principle; and, looking on one side to the honour of God, casts off, on the other, the fear of His anger, for dishonouring and crippling His Church."

Having these reasons, then, for offering himself to the notice of the House, it became now his duty to allude to some Parliamentary grounds which he thought existed why their Lordships should accede to his Motion. It was objected to him last year that he had used somewhat strong expressions in describing the Act which had resulted from the recommendations of the Ecclesiastical Commissioners as unconstitutional. He should endeavour to avoid that objection upon the present occasion, but he would remind their Lordships, that both that House and the other House of Parliament had been in the habit of paying the greatest possible deference and attention to all cases where individual interests were concerned. If a small portion of land were taken away from an individual for the sake of making a turnpike-road or a railway, or a canal, notice was to be given in such a way as to enable

the owner of that land to be fully possessed of the intentions of the speculators, and when the measure by which such an individual would be affected was introduced into either House of Parliament, every protection that could be given to him was conferred upon him by the Legislature. The Standing Orders of both Houses of Parliament were framed with a view to this object. The detailed progress of a Bill through each House of Parliament gives repeated opportunities to any of Her Majesty's subjects who may be aggrieved by its provisions, of having their objections considered, and their complaints, if just, rectified. But what was the case in this instance? The Act had undoubtedly passed which gave the Commissioners the power, with the sanction of the Crown, of uniting the Dioceses of St. Asaph and Bangor. This power was executed without any knowledge of what was going on (until the case was decided upon) on the part of those most interested in the subject—the inhabitants of North Wales. This was not a question whether half an acre or an acre of private property should be applied to a public work—it was a question affecting the religious principles of the inhabitants of North Wales. These were unprotected by the usual guards of Parliamentary proceedings. The decree had issued from the private chamber of the Commissioners, which deprived North Wales of its Bishopric; unknown in the principality, till it appeared with the force of law—and that, it was intimated, was to be irrevocable. He (Earl Powis) avowed, that he looked upon that Act and its consequences as being altogether so unusual, that he conceived he was fully entitled to request their Lordships to accede to the prayer of the numerous Petitions which he had presented upon the subject, and to remember the hardship that was imposed upon one Bishop, in consequence of the difficulty of travelling and attending to the spiritual interests of the whole of the mountainous country comprised in the six counties of North Wales. He was aware that the Union of Sees had taken place before, and he was aware that such an union was in some cases justifiable. He held in his hand a statement of one of the right Rev. Commissioners, on those cases which had occurred where the Union of Sees was justifiable—a statement which in his opinion must produce upon their Lordships the same effect which it had produced upon his own mind, viz., that this was not one of those cases in which such a union was either justifiable or necessary. It was the portion of a speech addressed to their Lordships upon the subject of the Irish Church by the most Rev. Prelate (the Archbishop of Canterbury), and was, he (Earl Powis) said, equally applicable to and conclusive in the present instance:—

"I will advert very shortly to the proposal for reducing the number of the Bishops. It is said that Bishoprics have been frequently united and frequently disjoined, and that when the Sees are inconsiderable, they may be very properly united together. I am not inclined to contest either of those positions; but one circumstance is left out of consideration, which is this—that in former times the union of Bishoprics was frequently made *ex necessitatis causâ*, because the revenue of one Bishopric was insufficient to maintain the Bishop: therefore, they were united, and the right still exists to grant Sees *in commendam*. They were united for the mere purposes of property. But your Lordships cannot fairly raise upon so small a basis such a sweeping measure as the one now before you, more especially in a country where the Bishops are the principle residents, and who, living under those moral restraints which persons so high in the Church must always observe, cannot fail to be most useful in their several districts."

It had been said that there was a certain degree of inconsistency in his calling upon Parliament so soon to repeal an Act which it had so lately passed. Upon that subject, however, he would beg to read an extract from another Archiepiscopal authority, one of the ablest logicians of the day, the Archbishop of Dublin, in a letter to the Lord Lieutenant of Ireland. In referring to the charge of inconsistency and vacillation which was urged against those who proposed an Amendment to a recently enacted law, his Grace wrote—

"I can conceive an objection being raised by some of those who supported, and by some even of those who did not support, that bill, that 'since it is passed, it is better to let matters alone, and that it would argue inconsistency and vacillation to alter without paramount necessity a recently enacted law.' This is what may perhaps occur to some minds at a first hasty glance; but further consideration will show, that the inconsistency would be on the opposite side. Any one indeed who should have voted for diminishing the number of Bishoprics as thinking that a good in itself would of course be inconsistent in voting for the re-establishment of one. But those who assented to it professedly on the ground that though an evil it was necessary, in order to avoid a much greater evil, would be inconsistent if they did not gladly avail themselves

of the opportunity of re-establishing a Bishopric without incurring the apprehended evil. A minister who imposes war taxes, not on the ground of taxes being a good in themselves, but to meet a pressing necessity, would be considered inconsistent, not if he removed those taxes when the necessity had ceased, but if he continued them."

But even if there would be inconsistency he would ask their Lordships to bear in mind that it would be by no means limited to the repeal of this Act. Greater inconsistencies had before occurred. What could be greater inconsistency than this?—they objected to clergymen holding a plurality of livings—they took steps to put an end to that occurrence, and how did they follow it up? Why, by uniting two Bishoprics in such a manner as to make every clergyman in the country aware, that the principle which they universally acted upon with regard to the parochial clergy, was to be violated whenever it suited their purpose in the case of a Bishop. By their union of these two Bishoprics they got a certain income which they would take out of the Principality and apply to other purposes in a different part of the Kingdom, and he certainly could not see that that in any degree added to the merit of the case. Bishop Bedell, when endeavouring to persuade his clergy to renounce their pluralities, took a course so opposite to that which Parliament and the Commissioners had sanctioned in the proceedings to which he was objecting, that it might not be uninstructive to their Lordships if he should set before them the manner in which that exemplary Prelate dealt with the subject, by precept and example. Burnet in his life of Bedell, Bishop of Kilmore gives the following account of the course taken by him and its results; and to let them see that he would not lay a heavy burthen on them, in which he would not bear his own share, he resolved to part with one of his Bishoprics. For though Ardagh was considered as a ruined See, and had long gone as an accessary to Kilmore, and continues to be so still; yet since they were really two different Sees, he thought he could not decently oblige his Clergy to renounce their Pluralities, unless he set them an example, and he renounced his own, even after he had been at a considerable charge in recovering the Patrimony of Ardagh, and though he was sufficiently able to discharge the duty of both these Sees, they being contiguous and small; and though the Revenue of both did not exceed a competency, yet he would not seem to be guilty of that which he so severely condemned in others: and therefore, he resigned Ardagh to Dr. Richardson, and so was now only Bishop of Kilmore. The Authority of this example and efficacy of his discourse, made such an impression on his clergy that they all relinquished their Pluralities. The Arguments that arise out of interest are generally much stronger than those of mere speculation, how well soever it be made out, and therefore, this concurrence that he met with from his Clergy in so sensible a point, was a great encouragement to him to go on in his other designs. There seemed to be a finger of God in it, for he had no authority to compel them to it, and he had managed the minds of his Clergy so gently in this matter, that their compliance was not extorted, but both free and unanimous. For, one only excepted, they all submitted to it; and he being Dean exchanged his deanery with another, for he was ashamed to live in the Diocese, where he would not submit to such terms, after both the bishop himself, and all his clergy had agreed to them. He would take the liberty of alluding to one circumstance more, though it was not necessary to strengthen his case. The population of North Wales was not so large, it was true, as that of some other benefices; but it was increasing in a very rapid degree. The district of North Wales in 1801, when the Population Act passed, contained about 250,000 souls; and in 1841 the population of the six counties of North Wales was 396,000; an increase of more than half, and this increase was going on progressively. The district over which this population extended comprehended 3,000 square miles. If population alone was taken as a guide, it was not possible that justice could be done to Wales. There was a great difference between having 10,000 persons located in one parish, and 10,000 persons located in ten different and widely-extended parishes; it was impossible that the same Ecclesiastical staff could discharge their duties of inspection. He knew that the activity of the Welsh Clergy might do a great deal, but they would lose the benefit of Episcopal superintendence; they would want that willing hand which contributed to schools and maintained religious institutions, and that willing head which afforded advice, countenance, and authority to their proceedings, and in depriving them of this, their Lordships would be

inflicting on the Principality an evil which would be severely felt. In conclusion, he left the matter in their Lordships' hands. By the Bill of last year, Parliament had given some assistance to the Principality in canonries; that increase of Ecclesiastical endowments had not been conceded by the Ecclesiastical Commissioners, but was owing to the favourable consideration given to the prayers of his countrymen by his right hon. Friend, the Secretary of State for the Home Department. He regretted that this subject had not been taken up by one who possessed more weight than himself, and who was more capable of doing justice to it; but he had undertaken to bring it before their Lordships because he felt its great importance, and the difficulties under which the Welsh Clergy would labour, unless their Lordships and the other House of Parliament gave a favourable consideration to their prayer. He left the matter in their Lordships' hands, with the earnest hope that their Lordships would listen to the petitions of the numerous bodies which had addressed them, and in the firm conviction that no measure would pass this House which would give more satisfaction. He moved that the Bill be read a second time.

The Duke of *Wellington*: I assure my noble Friend that it is with the utmost pain I find myself under the necessity of again offering myself to your Lordships, in order to reply to the able speech which he has made to you on this subject—a subject so interesting to him and to those persons whose cause he has so ably advocated; but I beg leave to remind your Lordships that the Motion of my noble Friend is one for the second reading of a Bill to repeal an Act of Parliament passed no less than eight years ago. The arguments of my noble Friend, and the documents he has read, and the various petitions he has presented to you, of which my noble Friend has stated the substance, would have been all very proper and ought to have been taken into consideration eight years ago, when the Act passed which my noble Friend now calls upon you to repeal; but since that Act passed various measures have been carried into execution, which that Act authorized and enjoined; and I think my noble Friend should have done a little more than move to bring in a Bill to repeal the Act in question; he should have provided means and machinery for carrying into execution the objects which that Act had in view, and which will no longer exist when this Bill shall become law and that Act is repealed. Now, I beg to recall to your Lordships' recollection what the Act is which it is the object of this Bill to repeal, in what manner it passed, and the object of it. Early in the year 1835 a Commission was issued, called the Ecclesiastical Commission, for the purpose of revising the Revenues and Property of the Church, and the extent of the Dioceses—in short, all those circumstances with relation to the Church which could have a tendency, by alteration and amendment, to improve the action of the Church, and render it, if possible, more beneficial to the country, and to a greater degree an object of veneration of the people. In the course of a reasonable time after this Commission passed the Great Seal, the first Report was made, I believe on the 17th of March, 1835, and that Report is the one which proposed the union of the sees of St. Asaph and Bangor. That Report was no secret; it was laid on the Table of both Houses of Parliament; it was notorious to the whole world; it was discussed by the public in the same way that such questions are discussed in this country, and there can be no doubt that all the objects of that Report were notorious throughout the country. It happened, that in the discussion of that Report, and of the measures recommended in it, the Bishops of those very dioceses were present—I don't mean when the measures were adopted and carried into execution by Act of Parliament—that was the Report by which the recommendation of the union of the two sees was first made, and the transfer of benefices *in commendam* to increase the revenues of small livings; but I say that the Report, as involving the principle of the union of the two sees, was adopted with the knowledge of the Bishops of the two sees. This Report recommending the union of the two sees was made, as I said, in March, 1835, and in the Session of 1836 a Bill was introduced to carry into execution the objects of that Report (and there were also other Reports), which Bill was as little opposed in either House of Parliament as any Bill, I believe, that was ever introduced. I remember, having a seat in the House at the time, sitting then on the other side, that I supported the Bill, and it was gene-

rally supported in this House. The Bill was brought in by the late Ministers, and it was generally supported in Parliament, and received the approbation of Parliament, and it passed in August, 1836. Under this Bill, Her Majesty in Council was authorised to make arrangements to carry into execution the measures recommended in those Reports, and Her Majesty accordingly, by her Order in Council, advised by the noble Lords sitting opposite, did give directions to carry into execution the measures recommended in the Reports or authorized by Parliament, and provided means for the establishment of a Bishopric of Ripon and a Bishopric of Manchester, as recommended by the Report, for equalising the salaries and emoluments of the different sees, for providing incomes for the dioceses of Manchester and Ripon, for providing a sufficient income for the dioceses of Llandaff and St. David's, in Wales, and for the various measures which the different Reports had advised to be carried into execution. This Order in Council is dated in 1838, six years ago, and at this time, Her Majesty having issued these Orders, which have been carried into execution, and regularly registered, as required by the Act of Parliament, my noble Friend comes down with a Bill to repeal the Act which is the foundation of all these measures and gives the means of carrying into execution that Order in Council which Her Majesty had authorised and indeed required to issue three years previous to her having issued that Order in Council. Now, my noble Friend has argued this question as if the matter was now in our power, and nothing had been done; as if your Lordships had now to consider whether or not the sees should or should not be united; but I say, if my noble Friend comes forward with a Bill to repeal the Act of 1836, on which the Order in Council of 1838 was founded, he ought at least in his Bill to have provided all the means and machinery for carrying into execution those measures for which Her Majesty's Order in Council under the authority of the Act, had made provision. On this point my noble Friend has been silent, and his Bill is entirely silent. But the Act of Parliament and the Order in Council go further, and provide not only pecuniary means, but also for that which is a very important point to enter into your Lordships' consideration — I mean the political situation of these two Bishops, the Bishop of Ripon and the Bishop of Manchester. The Act provides that two new Bishops shall be appointed, and that two of those who had formerly seats in this House should be withdrawn, and this is provided for by the union of the sees of Bristol and Gloucester, and St. Asaph and Bangor, leaving the same number of Bishops in the House as before the Act. I think my noble Friend has not adverted to this. Here is a Bill to repeal the Act of 1836, and he should see how far his measure will go—that it will make an organic change in the constitution of this House, in the number of spiritual Peers. But the Bill of my noble Friend contains no provision on this point; no provision for the manner in which the Bishops shall be called to take seats in the House; no provision for rotation, supposing one is to be always absent from the House; no provision for any of those points which must occur to every one who reflects upon the consequences of having more Bishops than heretofore in the House. Considering the necessity there is of attending to all these points, and how necessary it is that they should be brought under the consideration of your Lordships, before you give your assent to this measure, and the difficulty in which you will place Her Majesty in Council if you agree to the second reading of this Bill until my noble Friend shall open to you what he proposes to do upon all these points. I think the motion for the second reading should be suspended until you hear in what mode my noble Friend intends to provide for these objects. I move that the Bill be read a second time this day six months.

The Bishop of *Bangor* said, he was sorry to find himself opposed upon this question to the most rev. Primate, for whom he felt so great a respect and attachment; but he must upon this occasion do his duty and oppose the wishes, not only of the most Rev. Primate, but of Her Majesty's Government. He thought that the noble Duke's speech would have the effect of inducing their Lordships to think that the measure proposed by the noble Earl was intended to repeal all the measures carried by Parliament for the regulation of the different Bishoprics of the kingdom. But the noble Earl did not intend to interfere either with the principle or the force and order of that Act; all they wished to repeal was so much of the Act as pro-

vided for the future union of the dioceses of St. Asaph and Bangor; with the other parts of the Bill they had nothing to do; they did not interfere with the general principles or the general machinery of that Act. He had hoped that both the most Rev. Primate and Her Majesty's Government would have taken this matter into their earnest consideration, and have come to a different conclusion; that they would have been themselves the persons to bring forward such a measure as this, and that it would have received their Lordships' support. The measure of uniting two independent dioceses, older than that of Canterbury and other dioceses—of abolishing two ancient sees and forming one new one, was repugnant to all religious feeling and contrary to the practice of the best ages. The desire of the Church in these times was not to unite dioceses, but to form new ones out of those which were too extensive. This feeling was not extinguished in the great body of the Church of England, if not of the laity. It could not fail to be in the recollection of the House that a great number of petitions had been presented to Parliament on the subject of the measure then before their Lordships; they would also remember that those petitions proved the existence not only of a strong feeling amongst the clergy respecting the union of those dioceses, but a very strong feeling amongst the laity also. Men, whether lay or clerical, appeared to be decidedly opposed to the measure of union, or rather, he should have said, to the extinction of both sees, and the formation of a new diocese. In expressing their hostility to that extinction, they were acting upon the principles in which they had, to a man, been brought up. They had been brought up as members of the Church of England, they would continue to be members of the Church of England; and, influenced by the feelings which always governed the members of that body, they declared their opposition to the Bill which went to effect the union. The noble Duke had gone over the whole history of the Act of 1836 as well as the Reports of the Commissioners, and their Lordships would probably see from what the noble Duke had said, and be able at the same time to infer from their own recollection of the facts, that at the time when the measure was first laid before Parliament it would have been vain for any one to think that he could, with any hope of success, throw impediments in the way of that Bill. Those who now opposed the measure felt as strongly then, and were as numerous then, as they were at present, but they had not then the same confidence in their own strength which they felt at present, and at that time they withdrew from the contest, lest their efforts should be encountered with ridicule and contempt. In considering the Bill now before their Lordships it was material they should bear in mind that, whether it were carried or rejected, it was a measure which would not interfere with the general purposes which the Commissioners had in view. He need scarcely repeat to their Lordships that he objected to the continuance of the union, for it appeared to him that nothing but a strongly apparent necessity could justify its maintenance. It was true that so long as he and his right Rev. Friend existed, no complete union of the sees could take place; but supposing that even up to the period of their decease the union were not prevented, still he had no doubt that the noble Earl would be prepared to stand forward and press this measure—he trusted to a successful issue. In the mean time, so long as health and strength remained to him, he was determined to avail himself of every opportunity that offered to urge upon the attention of Parliament the considerations which opposed themselves to the existence of this union. The diocese to which he now belonged was one over which he had presided for a period of fourteen years, and he sincerely hoped that the evils by which it was now threatened might be averted. Assuming that the union were carried into effect, he should say that whether the future Bishop fixed his residence at Bangor or at St. Asaph, one portion or the other of the diocese would sustain a great loss. The clergy residing in one part of the diocese must lose the frequent opportunities which they now enjoyed of communicating with their Bishop, and even in a temporal point of view the removal of the Bishop must be regarded as a great evil. It was removing from the district one who might be considered in the light of a country gentleman of considerable property, and it necessarily directed that which would have been his expenditure into a different channel. As to the new Bishopric, he did not deny the necessity of creating it, and he had no doubt that funds would be found for the purpose. In his opinion the necessity for a Bishop of Manchester created no necessity for extinguishing the ancient dioceses

of St. Asaph and Bangor. He knew it had been said that twenty-six or twenty-seven Prelates having seats in that House were quite sufficient to represent the Church of England; but he begged to remind their Lordships, that at a time when the Temporal Peers were by no means so numerous as at present, the Lords Spiritual, including the Mitred Abbots, were not less than forty in number, who had seats in the House. After the dissolution of the monasteries by Henry VIII., he created six additional Bishoprics. The diocese of Westminster had been abolished, and he professed himself at a loss to understand why Manchester should not be called into existence in lieu of Westminster. He begged the House to consider that a strong, holy, and most religious feeling penetrated all classes in England with respect to this question. The continuance of those sees was an object dear to the affections of the people of Wales—even those not friendly to the Church were of one mind in reprobating the measure which went to unite the sees; they regarded it as injurious to their national feelings. He hoped then that the House would have due regard to the deep and solemn sentiments with which the people viewed this question. They did not ask themselves whether or not dioceses should be regulated by square miles or even by population statistics; they did not admit that dioceses ought to be circumscribed by arbitrary circles—that they were matters of arithmetic, or of pounds, shillings, and pence. There was a deeper and a stronger feeling than that of mere pecuniary considerations; and he hoped their Lordships would do him justice to remember that he had no personal interest in the result.

The Archbishop of *Canterbury* said, that he was aware that a feeling in favour of the Bill prevailed, not only in North Wales, but generally throughout England and Wales. But as to the arrangement being an insult to the people of Wales there was not the least ground for considering it in that light. The new diocese could not be created without the proposed union, and however great the respect which he entertained for antiquity, he could not be insensible to the claims of 2,000,000 of men as opposed to those of 350,000. The supposed injury to North Wales had been strongly spoken of, but in his opinion no injury whatever would be effected by the recommendations of the Commissioners —there would in fact be no extinction of any Bishopric, but a combination of two dioceses, with a view to the formation of another Bishopric where it was more wanted. With the aids that were now available there would be nothing to prevent the due administration of the united dioceses by one Bishop. Under the new arrangement, although there would be only one Bishop for St. Asaph and Bangor, yet he would be assisted by four Archdeacons, two for each diocese, and with this assistance, and the aid of rural Deans he submitted that 260 livings, and a population of 400,000 souls, might be fitly managed by a single Bishop. From his experience, he thought that by perfecting the establishment of Archdeacons and rural Deans, and improving the means already available, they would do better for the Church than by the multiplication of Bishoprics. He knew that an increase of the number of Bishoprics was desired by many friends of the Church, but as at present advised he did not see the expediency of such a measure, and he thought the advantage was questionable. He trusted that he had said enough to justify himself and the rest of the Commission for having originally proposed and since supported this measure; and he should refrain from troubling the House further.

The Bishop of *St. David's* said he did not think that the question had been placed as yet on the right, the true, or, at all events, the strongest footing; important elements had been left out of consideration. He looked upon the mode in which the question had been dealt with as a specimen of the manner in which Welsh questions affecting the interests and the feelings of the Principality had been usually disposed of by the Government and Parliament. The consideration of the disregard that had been shown to Wales, he could assure their Lordships from his own knowledge, had formed a ground of dissatisfaction and discontent throughout that part of the Principality with which he was acquainted, and he believed he might say throughout the whole of it. That this was not a delusion he was firmly convinced; in his opinion, there was a great deal of ground for it. He considered the present state of South Wales, that state which had resulted from the disturbances which took place there last year, as an instance of the disregard with which Wales had been treated; because he knew that previous to the breaking out of those

disturbances, strong representations had been made to the Government of the danger of the increasing evil; but those representations had been disregarded. He did not mean to charge the right hon. Baronet, at the head of the Home Department, with want of courtesy; all had been done with the right hon. Baronet's usual amenity of manner; but substantially, disregard was shown to those representations. One point to which he would speak with reference to his own diocese was the want of efficiency in the Establishment, arising from lack of funds. In that diocese a great want had been felt of the means of training young men for the Church. A college, as many of their Lordships knew, had been founded to meet this deficiency, chiefly out of the savings of the parochial clergy. The institution had attained some degree of efficiency, and to some extent fulfilled the purposes of the founders, but it still far from adequately dealt with the evil. It might, indeed, be set forth as an example of the apathy of Government to matters connected with the Principality. Something, it was true, was given annually, but not more than one-tenth of what was voted for the Roman Catholic College of Maynooth. Application had been made for an increase of the allowance to the Welsh College, but the Government had refused to increase the grant, and no step of any kind had been taken by them on behalf of the institution, or to remedy the defect he had referred to. In his opinion not only the Government and Parliament, but the nation at large, were in the habit of estimating too lightly the importance of that portion of the community. It had been forgotten, and at the same time this had also been forgotten, that that remnant of a once powerful people were separated by but a narrow channel from 7,000,000 of people who claimed a common origin with them, and who had not always been in the most composed state, or possessed with feelings of full satisfaction with the Government of this country. He considered this arrangement of these dioceses as a specimen of the treatment to which the Principality of Wales had been subjected, and which he had been endeavouring to illustrate. A most remarkable miscalculation and oversight had been committed with reference to this measure—it had been based upon a miscalculation altogether—if the question had been considered in its proper light they would not at that moment be discussing it. This See of Bangor which was to be suppressed, or extinguished, or, if they would, merged in the other See of St. Asaph, had been treated as if it were one of twenty-six—it ought to have been considered as one of four. Had this fact been properly attended to, he was of opinion that the Ecclesiastical Commissioners would have endeavoured to discover some other mode of settling the question. He wished to know where they intended to stop in the application of the principle they were then discussing? Should their Lordships consent to this measure they would be asked to extend it further. The population of this country was continually on the increase, and another Bishopric in the West of England might be required. If the creation of a Bishop for Manchester made it necessary to abolish the Bishopric of Bangor by uniting that diocese with the diocese of St. Asaph, and they wanted to make a Bishop of Leeds, would their Lordships consent to the consolidation of the Bishoprics of St. David and Llandaff? The simple question for them to consider was whether any step which they had yet taken was to be viewed as irrevocable? He thought that some of their Lordships would think that such was the case. He trusted that the possibility of being charged with that bugbear "inconsistency" would not prevent that House from pursuing any course which might be thought just in reference to the matter under consideration. There was always room for an honourable retreat. With reference to the Bishopric of Manchester, there could exist only one feeling among their Lordships—every one felt that the establishment of that Bishopric was most desirable—every individual would like to see the creation of the Bishopric, instead of its being a matter of speculation. The only point of regret in connection with it was, that it should be purchased at such a price. That Bishopric, when erected, would be, not a monument of the glory, strength, and liberal spirit of the English Church, as it ought to have been, but a memorial of its degradation. If the future Bishop of Manchester ever took his seat in that House—should he be a man of right feeling, and considered the steps which had been taken in order to seat him in that House—he could not avoid having emotions of a very uncomfortable character, especially when he felt that he was filling an usurped place, and had displaced one who ought to be there. He did not think that they had gone too far not to be able to retrace their steps. But his belief was,

that this measure had originated in an oversight, from inadvertency, and from considerable ignorance of the real state of the Principality of Wales. But if it should now be consummated, it would have been so in the light of day, with the clearest knowledge, and with all the facts, and statements, and arguments which ought to have prevented, and which would, in his opinion, have prevented, if they had been laid before the parties, this Bill being proposed. Still, although he thought reason, sound policy, and wisdom, were on the side of the noble Earl's Motion, he could not, when he saw the kind of opposition that appeared to be enlisted against it, but feel a very deep misgiving as to its success. There was, however, another kind of opposition, perhaps more formidable, but which every one must respect, whatever might be its cause—an opposition connected with qualities and actions which all must admire—for every one must admire the glorious characteristic of an English soldier, which had given rise to the saying that he never knew what it was to be beaten—one might easily conceive that the noble Duke, who had contributed so much by his illustrious actions to perpetuate that quality, that he, the hero of so many fields, would not consent to be foiled even on this matter; but he (the Bishop of St. David's) would take the liberty of saying, that if the noble Duke succeeded on this occasion, it would not be one of his most glorious or useful victories; but, on the contrary, it would be another example of the melancholy truth, that it was much easier for the greatest and best of men to commit an error, than to acknowledge it.

The Bishop of *Lincoln* next addressed the House, but in a very subdued tone of voice. The right rev. Prelate was understood to say, that it was impossible not to be struck with the disproportion and inequality which existed between the extent of some of the Episcopal Dioceses and the population of these diocesan districts. With reference to what had fallen from the preceding speakers on the subject of the new Bishop having a seat in the House of Lords, he would observe, that the hon. Member for Bridport (Mr. Warburton), who was no mean authority on this matter, had said that it was essential to the union between Church and State, that the Bishops should have a seat in the highest branch of the Legislature. He (the Bishop of Lincoln) did not mean to give a decided opinion on that subject, but it might become a question whether, if they created a new Bishop without entitling him to a seat in the House of Peers, they might not be adopting a course likely to weaken that union.

The Earl of *Winchilsea* said, it was with deep regret that he found himself on this occasion opposed to the noble Duke and to two right rev. Prelates, for whose high character and position he entertained the warmest estimation; but he could honestly say, that he never gave more cordial and warm support to any motion than that which he was prepared to give to the proposition of his noble Friend, who, by his honest, zealous, and patriotic conduct, in bringing forward this subject, had gained for himself, most justly, the esteem and respect of all who were connected with the Principality of Wales, and he (Lord Winchilsea) would also add, of all who were desirous to promote the religious interests of that part of the country. He regretted most deeply—with all deference to the judgment of the Ecclesiastical Commissioners—that, when they felt the imperious necessity of establishing another Bishopric, they had not boldly asserted the urgent necessity of the case, and that they had not endeavoured, while granting this great boon, to avoid inflicting a serious injury. Could any one contend that the destruction of this ancient Bishopric in North Wales, would not do great violence to the feelings of the people of that district. Was it politic, he would ask, on the part of the Legislature, to treat their wishes and feelings with indifference? He thought they ought to take into consideration the condition of Wales and the comparative poverty of the great majority of the parochial clergy of the Principality. Was it no inconvenience to a poor clergyman, that if he wished to take the advice or opinion of his Bishop, he must travel thirty, forty, or fifty miles further than he would have had to go if the two Bishroprics of St. Asaph and Bangor were retained intact? He believed, that if the feeling of the people of England could be ascertained, it would be found decidedly favourable to the establishment of a Bishropric of Manchester; and that they were also desirous that the Bishop of that place should have a seat in that House, and this being the case, why should they not at once act upon principle, and create one at once, instead of waiting twenty, thirty, or, perhaps, even

forty years. Although the Motion of his noble Friend might not be successful on this occasion, he had only to persevere, and at a future time his efforts would be crowned with success.

The Bishop of *London* said he agreed in opinion with the noble Earl who had just sat down, that if an appeal could properly be made to the people of this country, it would be found that they were desirous that a Bishopric of Manchester should be created, and that the Bishop of that diocese should possess a seat in that House. But he (the Bishop of London) must say that, before they acceded to the Motion of the noble Earl, they ought to have some further guarantee for the erection of a Bishopric of Manchester. If he could be assured of the creation of such a Bishopric, with the proper dignity of a place in that House, he would at once abandon the position which, as one of the Ecclesiastical Commissioners, he now felt called upon to maintain; but he could not consent to relinquish the security they had already obtained for the establishment of that Bishopric until they obtained some other equally valid security. The motives which had induced him to support the recommendation of the Ecclesiastical Commissioners on this subject had been stated so clearly and intelligibly by his right rev. Friend, whose Colleague he then was, that it was unnecessary for him to detain the House by entering into any explanation on that point. He had felt that the only means of attaining an object which he considered essential to the well-being of the Church—the provision of Episcopal superintendence of that vast district of which Manchester was the capital—was by the union of the two Bishoprics of St. Asaph and Bangor. At the period to which he was alluding it was considered that there was no prospect of obtaining by any other means the establishment of a new Bishopric, the holder of it having a seat in that House; and he had conceived that the appointment of a Bishop without a seat in the House of Lords would have been a step fraught with danger to the present constitution of the Church. This consideration still operated upon his mind, and induced him to withhold his assent from the proposal of the noble Earl—unless, indeed, he could be satisfied that if the sees of St. Asaph and Bangor were not united, a new Bishopric would be created, and that the Bishop would have a seat in the House of Lords. He was not prepared to say that he was absolutely convinced a Bishopric might not safely be created, the holder of which might, for a time at least, remain without a seat in that House; but on the other hand, he was not satisfied that such an experiment would be unattended with danger. He thought the right rev. Prelate who had addressed their Lordships with such great eloquence and effect, had censured somewhat severely the conduct of the Ecclesiastical Commissioners. He hoped the right rev. Prelate did not mean to question the motives and intentions of the Commissioners, whatever might have been the wisdom of the course they had pursued. The Commissioners had taken every means to ascertain the effects, advantageous or disadvantageous, which might be expected to result to the Church from the adoption of their recommendation. They had been assisted in those inquiries by a gentleman of the principality of great experience and intelligence; the matter had been repeatedly discussed; and, though the learned and excellent gentleman to whom he alluded had expressed some doubt, in the first instance, as to the propriety of the union of the two sees, he eventually came to the conclusion that this was the least objectionable mode of proceeding. He had himself communicated privately with several intelligent persons connected with North Wales, and it was considered by them that the business of the united sees of St. Asaph and Bangor might be transacted by one Bishop, with the aid of a competent number of Archdeacons and rural Deans. It had been charged against the Ecclesiastical Commissioners that many of their recommendations had been made in the grossest ignorance. Now, why did not those who made this charge come forward at the time and give the Commissioners that information which they possessed? It was not only competent for them at the time to have come forward to give evidence, but it was their bounden duty to do so. As the Commissioners had been offered no such evidence, they were bound to support the measure which had been brought into Parliament at that time, for the purpose of carrying the recommendations of the Ecclesiastical Commissioners into effect. It was true, he admitted, that now a different state of feeling prevailed, not only in the Principality, but throughout the country at large. He admitted that a strong and deep feeling prevailed throughout the great body of the clergy in favour of the measure proposed by the noble Earl; such a feeling

did not prevail when the Commissioners made their recommendation, a duty which they had discharged at the time with great reluctance. He hoped, that on account of those recommendations, their Lordships would not accuse him, and the other Bishops with whom he acted, of being influenced by any love for the suppression of Bishoprics, of the union of Sees, for they had only consented to that proposal, because they believed that greater good would be done to the Church by adopting that proposition than by any other plan which they could adopt. He admitted the feeling that now prevailed amongst the great body of the clergy on this subject, but, until he saw what provision was made for a Bishopric of Manchester, he would not consent to forego that security which their Lordships and the other House of Parliament had given towards obtaining that object. If their Lordships rejected the Motion of the noble Earl, and adhered to the recommendation of the Commissioners, which their Lordships had themselves assisted to carry into law, still there would be grave questions connected with the Bishops of England to be considered. They would have to consider, so far from settling this question, whether it might not be necessary to establish new Bishoprics. Before he concluded, he wished to make one remark. He hoped the right rev. Prelate, (the Bishop of St. David's) would excuse him if he said that, in speaking of the mode in which the Celt was treated by the Saxon subjects as they were the subjects of one Crown, and members of the same Church, he thought that it was not wise to use language of a kind not calculated to promote that good feeling which it was desirable should subsist amongst all the different parts of the kingdom. He hoped that, in considering for the Church of the Principality they would consider them as members of the Church of England, and they would agree to no measure that was not calculated to promote their true interests. He (the Bishop of London) felt it be his duty to resist the Motion of his noble Friend.

The Bishop of *St. David's* said, in explanation, that it had not been his intention, in the observations he had made, to charge the Ecclesiastical Commissioners with anything like injustice, or a denial of justice. As to the other point to which the right rev. Prelate, who had just sat down, had alluded, his (the Bishop of St. David's) statements were purely of a historical nature. He had merely repeated what had been said by others—statements which had appeared in print, and had been matter of public notoriety.

Lord *Vivian* was understood to say, that he believed there was a very strong feeling in the country against the establishment of a new Bishopric; but he did not think that, among the laity at least, there was much objection to the junction of the sees of St. Asaph and Bangor.

The Bishop of *Exeter* said, that it was quite evident from the speech of the right Rev. Prelate (the Bishop of London), that he thought the union of the Sees of St. Asaph and Bangor would be in itself an evil, and that he would be rejoiced if he found that he could relieve the people of Wales from the threatened mischief, and yet be assured of the means of establishing a sufficiently endowed and dignified Bishopric at Manchester. Now he thought that as the right Rev. Prelate seemed to entertain these opinions, he might be expected to give his support to this stage of the present Measure. Supposing this Bill was allowed to go into Committee it would be part of the duty of that Committee to devise means for securing provision for the See of Manchester, and if in Committee the right Rev. Prelate failed in securing that provision, then he might surely and consistently, refuse to vote for the next reading of the Bill. He had been rejoiced to hear the observations of the right Rev. Prelate, because he was the first speaker who had given him any hope that the proposal of the noble Earl would eventually be successful. Even although strong arguments might have been adduced against that proposal, he still had hope; for strong arguments urged against a principle which he believed to be just, and sound, and wise, never would induce him to despair of the ultimate success of that principle. He continued to entertain a hope, even when able and wise men used good arguments against a good measure, that they would themselves be convinced by hearing better and stronger arguments:—but when he heard no argument which, as he conceived, deserved the name of argument, urged against a Measure which in his conscience he believed to be just and necessary —when he found wise and good men say, "We will not assent to this proposal; we insist upon its being cast out, and we have power to enforce our determination," then he did despair for a time, but only for a time; for, where a cause had justice and wisdom on its side it was sure to be ulti-

mately triumphant. He must not, however be supposed to intimate that those who had addressed their Lordships in this strain were incapable, in a good cause, of urging the best and soundest arguments; but he conceived that, in the present case, their cause was radically bad, and not a syllable deserving of the name of argument had been adduced against the proposal of the noble Earl. What had been the language of the noble Duke (the Duke of Wellington), whose political sagacity and plain good English sense always contrived to get at the bottom of any question and to find the soundest reasons for supporting any Measure which he thought it their Lordships' duty to adopt. If he had not at the time noted down the words of the noble Duke, he could scarcely have believed that he would have made such a statement. The noble Duke said, that the House must remember, if they agreed to the Motion of the noble Earl, that they sanctioned a Bill the object of which was to repeal an Act of Parliament eight years old. What, was this anything very new in the history of British legislation—was it so monstrous a thing for Parliament to be called upon to repeal an Act which had been in existence for such a time? But he would ask their Lordships if the Bill of his noble Friend was a Measure for the repeal of an Act of Parliament? He must say, he thought the noble Duke was labouring under some most extraordinary hallucination. Why, this Bill, if it were passed, would, it was true, touch a small portion of an Act of Parliament; but it related to but an infinitesimal portion of that Act. He could not adequately describe the insignificance of the fraction which would be struck off the Act by this Measure. Now, he wished their Lordships to recollect what that Act was, and what was its nature. It was not the result of deep, grave, and serious deliberation upon the great variety of important questions which would be affected by its provisions. No; it rested upon different grounds. In the preamble it recited a long report from the Commissioners, containing he did not know how many recommendations of different natures, which were, it was said, "expedient to be adopted." These were the grounds on which it was brought forward—the expediency of adopting certain recommendations of the Commissioners. Was it true he asked their Lordships, to say, that the wisdom and forethought of Parliament had been exercised in deciding upon these 50 or 100 recommendations? Did their Lordships really think that these grounds were adequate to sustain such a Measure as the present? If some noble Lord, or if he himself as one opposed to the Measure, had risen in his place and asked their Lordships whether they were prepared on the instant to adopt a whole string of propositions, every one of which required grave and mature consideration, how would the question have been answered? Supposing that he had further asked the House, were they prepared to consider and remedy the inconveniences which might arise from the hasty adoption of these recommendations, would he have been told that they could not do so, and that their powers were circumscribed? Why, he should have laughed had such an answer been given to him. But, apart from this, let their Lordships look how this Act of Parliament had been dealt with, and let them consider if it had been treated as a thing so sacred that they should shrink from touching it. Why, scarcely two years had passed since one most important proposition, relating to the Bishopric of Man had been introduced, and the noble Duke had not been quite correct in his statements on that subject. Much greater changes had since taken place, in giving to the Commissioners power to carry into effect those most important alterations. Parliament should, however, use its most deliberate opinion. Indeed, it had done so on one point already, for when in Committee he had taken the liberty of moving an Amendment which would have the effect of changing in a great measure the nature of the Commission, which composed as it was of persons sitting merely at the pleasure of the Crown, he considered a monstrous innovation;—it had been his fortune, as it might be again on the present occasion, to be in a minority. Since that time, however, he had had the great gratification of seeing the Government, both Houses of Parliament and the Ecclesiastical Commissioners adopting the course he had ventured to recommend. That gave him much confidence, and he felt that experience was with him, when he said that good measures no matter how much opposed or how long resisted, must ultimately be successful. The present question might be deferred for one, or for two, or for three years, but that was merely a consideration of time. He lamented that his right rev. Friend in his able speech should have thought fit to allude to the strong feeling excited on this

subject, and to consider it as not connected with the real merits of the case; and more than that, to state that there was more of strong feeling than of argument with the noble Lord. However, that no doubt was his right rev. Friend's conviction, and he did justice to himself in stating it, though he (the Bishop of Exeter) could not share it with him. The right rev. Prelate had no right to ask the House to refuse to read that Bill a second time for the reasons he had assigned and from what his Lordship had stated in his opening speech, he hoped for his vote on that side of the question. He would now state to the most rev. Prelate who had preceded him, and he hoped he was free from all feeling of presumption in differing from the arguments advanced by him in his speech to their Lordships. That most rev. prelate had said that more feeling than reason had prevailed in the discussion, and he (the Bishop of Exeter) certainly thought that on one side that was true, though he would not then compare the weight of argument on either side; but further he had said — and he confessed it gave him much pain, and would have given him much more if he could have believed that the most rev. Prelate had uttered the sentiment as the result of his sincere and deliberate conviction—he had said, that it would be no real injury to North Wales to be deprived of a Bishop, if well supplied with archdeacons. He (the Bishop of Exeter) would sincerely grieve, if he could for one moment believe that his most rev. Friend entertained that view of the case, but he believed that in uttering that opinion, the mind of the most rev. Prelate had been influenced not by argument, but by something more powerful even with the best of us, and under the influence of which men were but too apt to say that which upon deliberate reflection they were sorry for. That rev. Prelate was, he was sure, the last man in that House to say that it would not be a very great evil to deprive any portion of the realm which had a Bishop at present of his fostering care and guidance. He (the Bishop of Exeter) would ask their Lordships if it were any reason to deprive one part of the kingdom of the benefit of a Bishop's superintendence, because another portion of it was without that blessing? If it were true that that superintendence was a great benefit, why were the people of St. Asaph and Bangor to be deprived of it? As well might they say, looking to the distribution of rank in different counties in England—"We will take some of those Staffordshire or Kentish Earls or Dukes, who are so numerous, and transplant them into Lancashire where they are so few." That method of reasoning would be quite as just in one case as the other. On the same grounds they had an efficacious way of equalizing charities, for instance, in which some counties were very rich, and others very poor, and according to this principle nothing was more easy, for they had only to say, "We will take of such and such Surrey charities and give them to Westmoreland," and the thing was done. But there had been something further in the most rev. Prelate's speech which he had heard with great pain. The most rev. Prelate had spoken of the multiplication of Bishops as a great evil in itself. [The Archbishop of *Canterbury* was understood to dissent.] Well, then, he rejoiced to hear that it was not to be regarded as an evil, and would omit further reference to what he conceived had been the right rev. Prelate's sentiments upon this subject. There was, however, another passage in that speech which he had heard with much pain, and that was where the most rev. Prelate said, that Bishops should not be brought into collision with their clergy upon small matters, which should be left to the Archdeacons and Deans, but only on questions of importance. Now, he was sure the most rev. Prelate would not say that Bishops were to be regarded merely as criminal officers. [The Archbishop of *Canterbury* was understood to deny that he had made use of the expression attributed to him.] He did not wish to speak to order when he considered who the individual was whom he addressed, but he had taken down the words alluded to, and however he might have mistaken, he certainly had not misrepresented them. He rejoiced that the most rev. Prelate did not adopt that sentiment, and he knew that no one had ever sat in that House who was a better example of what a Bishop should be than was his Grace, and he appealed from the Prelate hastily addressing their Lordships in that House, to the Bishop administering and presiding over the affairs of his Diocese. He appealed from his arguments to his works. He heartily rejoiced that he had mistaken his Grace's meaning. The office of a Bishop was to support, to assist, to advise his Clergy, to encourage and superintend them in their work, to partake with them the odium or measures which they, unassisted, might not always

like to adopt—to warn them gently when going wrong—to correct and point out their errors; but when wilfully following up a course of wrong, to punish and rebuke them. His most rev. Friend, in justification of his intended vote, said that he saw no means of obtaining a seat in that House for the Bishop of Manchester. That must be the only difficulty, for they were told, that as to the revenue there could be no impediment, and that whenever a Bishop of Manchester might be appointed, there the funds would be ready for his disposal and maintenance. Now, as to a seat in that House, he certainly did not wish to undervalue it, and was sure that the rev. Prelate who had laid such stress upon it in his argument did not regard it too much, but he looked upon it chiefly as a pledge of the union between Church and State. For his own part, he did not think there would be much injury done by the introduction of another Prelate in that House, and he did not think that there was a Member of it who would not cheerfully see a twenty-seventh Bishop added to their number. Supposing, however, they did not think so, and that the other House of Parliament would not agree to such a proposition, he, for one, was not at all anxious on the subject, except for the precedent, for if there was once the example of a Bishop without a seat, it might become more general. If the country were so little alive to the advantages derived from the presence of the Bishops in that House (and he was perfectly certain that they sat there with the good will of the country), and if the general opinion of the people continued so long and permanently, he would not wish to see right rev. Prelates sitting there one moment longer, nor could they, if that opinion prevailed, sit there with advantage either to the Church or the country. They sat there, however, because the country felt that they ought to sit there; and he would tell their Lordships if the time should ever come when the great body of the people were convinced that there should not be a House of Lords, they might rest assured that the House of Lords would not long exist. He was not at all frightened at this bugbear of a Bishop without a seat in Parliament. Great—enormously great—as were the advantages accruing to the State by the presence of the right rev. Prelates in that House, as an acknowledgment of the Great Being through whom "Princes decree justice," as advisers and counsellors at the discussion of religious questions or matters relating to Church Government—great as were the advantages to the rev. Prelates themselves of seats in that House, whereby their minds were liberalized, and they were the better enabled to administer and govern their dioceses—great as were all these reciprocal advantages, he considered them as utterly nothing when compared to the vast, the paramount necessity, of having a due number of Bishops for all religious purposes of the Church. Until there were Bishops enough, he thought they should not be afraid of adding to their number, because, perchance, it might endanger their seats in that House. He heartily thanked the noble Earl for having brought forward that Motion, and he ventured to conjure him, if he should be defeated (as from the authority of those opposed to him he feared he would) to press this question upon the House another and another year, again and again, until he should have succeeded in extorting that consent from their Lordships, which wisdom, justice, and piety, so imperatively demanded.

The Duke of *Wellington* explained that he had reminded their Lordships that this Bill would not only repeal the union of the two sees, but also that part of the Act of Parliament upon which the Orders in Council had been founded.

The Archbishop of *Canterbury* also wished to explain what he had said upon two points adverted to by the right rev. Prelate. First, he was represented to have said that no injury would be done to North Wales, because several Archdeacons would be appointed; what he did say was, that he thought in a diocese containing a limited number of parishes, and a limited population like that of North Wales, one Bishop with the assistance of four Archdeacons, was fully competent to the management of the affairs of the Church. As to the other point, he thought he should have reason to complain of the right rev. Prelate, but that if any misapprehension as to his meaning could exist, he ought rather to be obliged for the opportunity of giving this explanation. He was stated to have said, that he considered the multiplication of Bishops an evil; now he said nothing of the sort. What he said was this, that it was not expedient that Bishops should be brought into collision with the Clergy upon every trifling matter; and that his experience had proved to him that in the management of a diocese it

was much better that the Bishop should not interfere in a variety of small matters, which the Clergy themselves could much more efficiently arrange.

The Bishop of *Salisbury* said, that he was glad that the course of the debate would spare him the necessity of entering at any length upon details which had been already so ably treated by those who had previously addressed their Lordships' House. Indeed, he would have been content to give a silent vote, but that the circumstances in which he was himself placed made him approach the subject with something of a peculiar and personal interest. For the question before the House was one relating to the union of two Bishopries, and upon that subject he had the result of some experience of his own to offer to their Lordships' consideration. He had most reluctantly, most unwillingly, most entirely contrary, not only to his own feelings but to his own better judgment, been induced, at the instance of those to whom he thought such deference was due, and by a supposed state of necessity in the Church for which he was told no other remedy could be devised, to undertake the care of another diocese (the Bishopric of Bath and Wells), in addition to that which was more properly committed to his charge. Whatever might be the case with other unions, to which reference had been made, but upon which subject he did not wish to enter, he could assert that the union in which he was concerned was satisfactory to no man. To himself it was a burden which distracted his attention from his own more proper duties—which overweighed his spirits and destroyed his energies—a burden from which he most heartily desired to be free, and respecting which he had in vain petitioned for such relief. The members of the Church in his own diocese might justly complain that there was diverted from them a portion of that care and over sight which they otherwise would have, whilst the Clergy and members of the Church in the diocese so unwisely placed under his charge deeply felt, as he knew, that they were deprived of the care and oversight of a Bishop of their own, resident amongst them, and able to attend to their interests in a manner which he could not do. After such experience, he could not refrain from earnestly pressing on their Lordships not to persist in carrying into effect the union of other dioceses, which would, in all probability, be alike burdensome to him upon whom the duties of the office devolved, and unsatisfactory to the members of the Church in both dioceses. In reference to the subject matter immediately before their Lordships, he greatly regretted to find they were met by an opposition which would most probably be fatal to the Motion which the noble Earl had so ably brought forward. Nevertheless he did not regret, far from it, that it had been brought forward, and that this subject had been again discussed, for each time it was considered some progress was made, and the way was further opened for the ultimate accomplishment of their wishes. When this measure was first brought forward the only ground then advanced for the union of the sees he did not say the only ground in the minds of the proposers of the measure; but the only ground which they openly declared was the necessity of thereby obtaining funds for the endowment of a Bishop of Manchester. He could not but consider it as one great step that that which was originally the sole ground and necessity, was now, he believed, finally and for ever disposed of; for, after the discussion of that evening, he did not believe that they would ever hear again, from those who were acquainted with the facts, that there was any necessity for a diversion of the funds from the Bishoprics of North Wales in order to enable them to endow a Bishop of Manchester. He had last year stated to their Lordships a principle on this subject which he thought a just one, and to which he still adhered. It was this: that when the question was that of raising the Collegiate Church of Manchester from its present condition into that of an Episcopal See, the proper quarter to look to for funds for that purpose was the property of the Collegiate Church itself, so far as it would go. He still adhered to that principle; and he believed that an inquiry into the revenues of the Collegiate Church at Manchester would show that no inconsiderable portion of the funds required might fairly be derived from that source; though, owing to the incorrectness of the returns made by the late Warden to the Ecclesiastical Commissioners, he was not in a condition to show what the amount of these revenues were, or what proportion could rightly be deemed applicable to the endowment of the proposed Bishopric. But, even if there were nothing whatever to come from that quarter, it had been stated, and justly, that there were in the hands of the Ecclesiastical Commissioners themselves funds for the endowment of a Bishop of Man-

chester, without any reference to the Bishoprics of North Wales; and he would put this in a point of view which seemed to him to be not without some importance. Their Lordships were aware that the Act of his late Majesty, to which reference had been made, established certain charges upon the more largely endowed sees in order to provide certain payments to be made to those of more slender endowments, which charges were calculated upon a septennial return of the revenues of those sees up to the year 1835. But the Act further provided that the revenues of all the Bishoprics should be subject to a septennial revision, and the charges and payments altered according to each successive return. The period had now arrived for making a second return, and if that return were complete, it would be a very important element in taking into account what means were, or in progress of time would be, in the hands of the Ecclesiastical Commissioners for the endowment of this or other Bishoprics. Those returns had not yet all been made; but he had examined those of fifteen of the twenty-six sees, and though they were not yet revised, and therefore might be subject to error, still he would mention to their Lordships that of those fifteen sees he found that only four fell short of the amount at which they were estimated seven years ago, and that by no very great amount, whilst the other eleven all exceeded, and some considerably, the Return then made; so that he might venture to say that the Returns of those fifteen sees when the new scale of charges and payments took effect, would place in the hands of the Ecclesiastical Commissioners a surplus beyond that which they already had of not less than 10,000*l.* a year; and he had no reason to suppose but that when the Returns of the other nine sees were taken into consideration, that amount would be rather increased than diminished. Now, what were the Ecclesiastical Commissioners to do with those funds? They were not at liberty to apply them to any purpose they pleased—to the augmentation of small livings, for instance—but they were by the Act specifically limited to the augmentation of poor Bishoprics. If their Lordships rejected this Motion they would place the matter in this position—they would in effect say, "You shall not use these funds for that purpose, but they shall remain idle, because we are determined that the revenues of the Bishopric of Manchester shall be derived from the poor mountains of North Wales." Even if there were not the funds elsewhere, the inhabitants of North Wales might justly object to the taxing their poverty to fill up the wealth of another district. And therefore in any case, he thought that the noble Earl and those who acted with him, members of the Church in the dioceses of North Wales, would be perfectly justified in refusing to listen to that argument. But to those who took a more general view of the subject, it was doubtless of great importance to know that if the revenues of North Wales were spared, means might be found in other quarters of supplying the deficiency. The further point of a seat in their Lordships' House was doubtless one of great importance. The noble Earl last year, and again this year, had made a proposition on that subject, and, though he did not say it was certainly the best proposition, still it was one to which he was quite willing to give his assent if he were told that the question lay between a Bishopric of Manchester being established under such an arrangement as that, or the indefinite, or at least very distant postponement of that measure, until the period should arrive which was marked out by the act now sought to be repealed. The immediate establishment of that Bishopric was the object he had at heart. The other point, of the exact manner in which it might be endowed, or the arrangements which might be made as to a seat in that House, were questions of detail, and as such he was willing to leave them open for consideration. But the other question was one upon which his opinion was decided. It was his opinion, that if they would enable the Church to discharge—as he was sure they wished it should—the sacred duties intrusted to it,—if they would enable the clergy to watch over the flock committed to their care, and to lead back those who had gone astray,—it must be by bringing the system of the Church in its integrity to bear upon those who now, in too many instances knew it, but in name. And in order to this, it was most needful to put forward the Bishops in close connexion with the people, as a visible centre of unity, governing and guiding and counselling with those committed to their charge; not to establish them as remote powers, unseen and little known, and therefore too often exercising but a small portion of the influence which should properly attach to their sacred office. That was what

he considered was the great and real question which should be brought before their Lordships' House, and which he wished to see engage the attention of the Executive Government. That was the question which the universal voice of the Church was pressing upon their notice. It might be that that voice made but little impression upon their ears on account of the feebleness of the organ by which it was expressed; it might be that the Government might refuse to recognise it, because it had not come to them through those channels which they were alone accustomed to consider as authorised, to speak the sentiments of the Church; but, however, that might be, he would venture to say that the real opinion of the Church was in this matter expressed by the noble Earl, and those who with him advocated the repeal of this measure. Of all the petitions that had been presented to their Lordships, had there been one unfavourable to the Motion now before the House? He entreated their Lordships to remark the manner in which his right rev. Brethren would record their votes that evening. There were five of them who stood upon this subject,—he would not say committed, for he would not use a term which in any degree might be considered as invidious—but who as having been included in that Commission, on the recommendation of which that Act was founded which it was now proposed to repeal, stood in a position somewhat different from the rest of the right rev. Prelates. He indeed would that they could see how with the change of circumstances, there was room for the change of opinion too; and he had observed some strong indications that at no very distant period such would be the case. But he entreated them to consider the votes of those who were altogether free upon this question; and to judge from them what was the opinion on this subject of those who had at least the best opportunity of forming a judgment respecting it, and were under the most sacred obligations to consider the question in no light or careless spirit. Did they think it was without much pain and reluctance that his right rev. Brethren and himself stood forward upon this occasion in opposition to those whom they were generally accustomed to follow, with no ordinary deference? Did they think that they would take this course, but that they were compelled to do so by a strong conviction of their duty? Whatever might be the result of this Motion—and he could not but fear that the strong influence of the noble Duke and the Government might decide the votes of the majority of their Lordships—he was reluctant to believe that the Government would long continue to refuse to entertain the proposition of the noble Earl. He was reluctant to believe this, because he was sure that such a course would greatly tend to shock the feelings, to disappoint the hopes, and to shake the confidence of those who were disposed to look with a better hope to the present Administration. Greatly would the Church rejoice to see the rulers of the country rise to a sense of the deep responsibility which was cast upon them, and at least allow that church fully to develope, by her own means, her own resources, and effect that which could be done without throwing any additional burthen upon the public. Greatly would the Church rejoice to see the responsible advisers of the Crown strong, not only in administrative ability—not only in financial resource—not only in the support of either House of Parliament, but strong too in those higher qualities which were best calculated to engender the confidence, to conciliate the feelings, and to command the respect of a Christian people. The Church would, he repeated, greatly rejoice in seeing an Administration strong in that faith, which could look for a blessing upon righteous endeavours in that hope, which could animate to meet difficulties for great objects; and in that enlarged Charity for the souls of men which could see it to be the Statesman's noblest prerogative to aid in the maintenance of true religion, and which would recognise in the efficiency and influence of the Church of Christ, the only sure foundation alike of social order, as of eternal peace.

The Earl of *Harrowby*: When acting on that Commission he had seen good reason to concur in many of the arguments which had been urged in favour of the union of the two sees, and had thought that, if such a union were to be adopted at all, those were the two upon which the operation might be most safely attempted. When, however, impressions against the arrangement continued so strongly after the lapse of eight years, in the Church as well as without, he felt that it was impossible not to vote for the second reading. He believed that some other arrangement might be given as to the institution of the Bishopric of Manchester. At any rate, if

the Bill was read a second time that night, the opinion of the country might be obtained, and he had no doubt that some arrangement might be made to provide sufficient funds for the creation of the Bishopric of Manchester, without the suppression of the two ancient Bishoprics, the continuance of which was an object of much anxiety, not only to the inhabitants of the Principality, but to those of many other parts of the country.

House divided:—Content 49; Not-Content 37; Majority 12.

Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 11, 1844.

MINUTES.] BILLS. *Public.*—1°. Appeal in Criminal Cases; Coroners (Ireland).

Private.—1°. Necton Tithes.

Reported.—Coventry Improvement and Cemetery.

3°. and passed:—Ness Fisheries.

PETITIONS PRESENTED. By many hon. Members (56 Petitions), against Dissenters Chapels Bill.—By Mr. Cartwright, from Down, Mr. Ross, from Dromore, and Mr. Warburton, from Milnthorp, in favour of Dissenters Chapels Bill.—By Mr. Bouverie, from Dumbarton, for Legalizing Presbyterian Marriages (Ireland).—By Lord Rendlesham, from Suffolk, for Alteration of Parochial Assessments Act.—By several hon. Members (4), against Union of Sees of St. Asaph and Bangor.—By Mr. Compton (17), from Northampton, against Repeal of Corn Laws.—By several hon. Members (9), for Inquiry into Anatomy Act.—By Lord Harry Vane, from Weardale Union, for Alteration of Poor Law.—By Mr. Ross, from Kilbroney, complaining of State Trial (Ireland).—By Earl of Lincoln, from J. Williams, suggesting a plan of Sub-Ways (Metropolis).

CAPTURED AFRICANS.] Dr. *Bowring* wished to put a question, of which he had given notice, relative to the alleged refusal of the Governor of St. Helena to allow certain Africans captured by Her Majesty's ship Arrow to be landed in that island. The statement which he (Dr. Bowring) had received with respect to this subject was to the effect that Her Majesty's ship Arrow arrived at St. Helena with two prizes containing captured Africans—that on their arrival at St. Helena the Africans were in a very unhealthy state, dysentery having broken out amongst them, and in consequence of this the Captain of the Arrow separated them, placing the healthy Africans in one of the prizes, and those who were diseased in another. He then asked leave to place the prizes in quarantine, previous to landing the Africans at St. Helena, but he was told that the dépôt in that island was broken up, and that it would, therefore, be necessary for him to proceed to the Cape of Good Hope with the Africans, as he could not land them at St. Helena. The Captain stated to the authorities in St. Helena that only one of his prizes was seaworthy, the other having been injured by shot from the Arrow previous to her capture, and he, therefore, desired that in case he proceeded to the Cape with the seaworthy prize and the healthy Africans, the damaged prize might be allowed to ride quarantine at St. Helena previous to landing the diseased Africans. This was, however, refused, so that the Captain of the Arrow was obliged to mix up the sickly and healthy again, and compress the two cargoes into one, and proceed to the Cape. The result of that course was stated to have been what under such circumstances might have been anticipated, that the track of the prize to the Cape from St. Helena was strewed with the corpses of the unfortunate Africans, not half of whom arrived at the Cape of Good Hope. He wished, therefore, to ascertain if the noble Lord the Secretary for the Colonies could furnish any information with respect to the circumstances of this case?

Lord *Stanley* was sorry to inform the House and the hon. Gentleman that the statement was correct to the extent of a considerable mortality having taken place amongst the captured Africans, but not to the extent represented by the hon. Gentleman. Of 337 Africans who had sailed from St. Helena in the Arrow's prize for the Cape of Good Hope, 18 died on the voyage, and 22 subsequently to her arrival at the Cape, so that in all only 40 out of 337 had died, instead of one half of the whole number. That was, however, a large number, and he thought it right to state to the hon. Member and the House the precise circumstances of the case. In 1839, general instructions were sent that all captured vessels, with Africans on board, should be carried to the port nearest to where the capture was effected, and the result of those orders was, that a considerable number were carried to St. Helena. In St. Helena there was no means of employment for them; there was a want of accommodation, and as the means of subsistence were more expensive in St. Helena than in any other port to which they might be carried, there were great complaints of the enormous expense of the number carried to that island. Subsequently, orders were

given to Her Majesty's cruisers to avoid St. Helena as much as possible, when they captured vessels containing Africans, and to bring them to the West Indies, or Sierra Leone, or the Cape of Good Hope, as might be most convenient, according to the peculiar circumstances. A limitation of ports took place after the treaty with Portugal, in consequence of the distinction between the ports to which vessels with no flag, and vessels sailing under the Portuguese flag, might be carried. Under these circumstances the Arrow arrived in the month of December, 1841, with two prizes containing captured Africans at St. Helena; and upon her arrival the captain was asked for a proof of the emergency of the case which had induced him to come to St. Helena instead of to the other ports to which the cruisers were ordered to repair whenever it was possible to do so. To that he answered that he had been sent there by his superior officer on the west coast of Africa, in order to take in water, and proceed to the Cape. The Governor then directed him to convey the Africans to the Cape, as there was not more sickness than usual, and as that was the most favourable season of the year for such a voyage—he also offered medicine for their use, if required; but no medicine was required, and they were provided with water, which was the only supply demanded for them. It was not considered by the Governor of St. Helena such a case of emergency as required the landing of the Africans at St. Helena, and he, therefore, ordered the Captain to proceed to the Cape of Good Hope. In doing so he the Governor acted as he thought right in the exercise of his discretion.

Dr. *Bowring* thought it would be well if the instructions given were such as would meet the circumstances of a similar case, if it ever should occur.

Anatomy Act.] Mr. *Borthwick*, aware of the general interest taken in the Motion of the hon. Member for Sheffield, which stood for that evening, would state as briefly as possible the reasons which induced him to move for a Select Committee of that House to inquire into the operation of the Anatomy Act of 1832. He would assume it to be absolutely necessary for medical education and the promotion of medical science that the practice of morbid anatomy should be liberally carried on in our anatomical schools. He thanked the hon. Gentleman who introduced the Bill of 1832, as it was a great improvement on the former system; but he regretted to say that it nevertheless contained the seeds of that horrible system—he meant the system of resurrection, by which dead bodies were procured for the use of the dissecting-room, inasmuch as it did not provide against the sale of entire bodies, or the illegal possession of parts of the bodies. In consequence of this, a most abominable traffic connected with the supply of bodies, was carried on for the purpose of enriching particular schools, to the serious injury and detriment of other schools, and the serious impediment of anatomical science itself. If dead bodies were necessary for the advancement of the science, there ought to be an ample supply of them to all the schools indiscriminately throughout the country; but it was something worse than infamous that private individuals or teachers in schools should have the power of enriching themselves, unfairly towards other schools, and towards the community, by the sale of that which the Legislature had provided for the purposes of science only. The principle on which the Anatomy Bill was founded was, that wherever persons had died in the poor-house and friendless, their bodies were to be given over to certain schools for dissection, subject to certain provisions for their due interment with religious rites. This he conceived to be a barbarous principle, and he was utterly opposed to it. For if there was any one class of persons, who more than others, had a claim on the public generally for due and careful burial after death, it was the persons who died friendless. Were not the feelings of a man dying in a poor-house to be as much respected as those of the rich man, surrounded on his death-bed by friends and relations? The Act took account of the dead and the survivor, but it wholly disregarded the feelings of the dying. It was said, however, that these prejudices against dissection ought not to be cherished in the minds of the poor, that they ought to be made to see the importance of science to the human race, and that they ought to sacrifice their own natural feelings for the benefit of mankind. He did not, however, find that those who advised the poor to do these things began by setting them the example. Nor did he think that it was

advisable that such feelings should be destroyed. The prejudices which it was sought to root out, were co-existent in the minds of the poor with the fundamental principles of humanity, and you could not remove them without deteriorating the character of mankind. To remove the terror which the Anatomy Act was calculated to excite in the minds of the poor—to provide that subjects should no longer be taken by law from the huts of friendless poverty, he sought for an inquiry into the operation of the Act by a Committee of that House. Of the extent to which the operation of the Anatomy Act went, some idea might be formed from the statement of Dr. Somerville, that in London alone 600 bodies were required per annum for the purposes of dissection. It was true that the Bill provided that all bodies left for dissection, should be decently interred with all due rites of religion—a humane provision, and one calculated to reconcile the public to the measure. But it was a delusion to suppose that that regulation was practically carried out. On the contrary, the bodies that had been subjected to dissection were notoriously the object of a most inhuman traffic and sale. They were separated, and the different parts sold to students. Any qualified person might, by paying for it, get the whole or parts of bodies at the different hospitals, avowedly for scientific purposes. These practices had been carried to such an extent, that the parish of Mary-le-bone had within the last twelve months or two years, refused to deliver any more subjects for dissection. He had been taunted for having promoted this question by a noxious agitation. The subject might be a noxious one and offensive to the delicate nerves of hon. Members of that House; but they had the authority of the right hon. Baronet himself for saying that the agitation had had the effect of putting an end to some of the worst abuses that had been engendered under the Act. Many of the evils arising out of the operation of the Act might be obviated by the adoption of Mr. Roberts's antiseptic process. On the subject of that process a petition had already been for some time before the House, which was printed for the use of Members, and which fully stated the whole of Mr. Roberts's case. The importance of Mr. Roberts's invention was sufficiently shown by the certificate signed by some of the leading men in the profession, which he would read:—

"We, the undersigned surgeons and anatomical teachers in London, have witnessed the effects of a liquid, prepared and employed by Mr. William Roberts, for the purpose of preserving animal bodies from putrefaction.

"We are convinced, from what we have seen, that Mr. Roberts's preparation is capable of keeping in a fresh, moist, and inoffensive state the flesh of animals, and we think that it may become, in this way, of important use to surgeons and students of anatomy, and that it may be made to promote materially the objects of the Anatomical Bill.

"We shall be glad if any means can be devised by which this discovery may be made cheaply available to the profession, without obliging its inventor to tie it up by patent right.

"ASTLEY COOPER.
"B. C. BRODIE.
"JOSEPH HENRY GREEN.
"GILBERT MACMURDO.
"R. O. GRAINGER.
"B. B. COOPER.
"FREDERICK C. SKEY.
"EDWARD STANLEY.
"R. PARTRIDGE.
"R. B. TODD."

Mr. Roberts had in vain endeavoured, through the hon. Member for Bridport and other hon. Members, to obtain a remuneration for his invention. The leading men in the profession wished him to endeavour to get some remuneration from the public, and to devote the invention to the public use, instead of obtaining a patent. There were two advantages derivable from the invention of Mr. Roberts—the first was, that a less number of bodies could by its use be made to serve the wants of the dissecting room; and the other, that when they had been subjected to dissection they were still so preserved that they could be buried according to the provisions of the Act. It therefore seemed to him that the supporters of the Act were interested in the adoption of the plan. The hon. Gentleman concluded by moving for the appointment of a Select Committee to inquire into the operation of the Anatomy Act.

Mr. *Hardy* seconded the Motion. The Government by agreeing to the appointment of this Committee would vindicate its own character, and soothe the feelings of the people. The operation of the Act had, in his opinion, been discreditable to the Government.

Sir *J. Graham* thought he should best consult the feelings of the House on this

occasion by replying with studious brevity. Although the subject appeared to be peculiarly attractive to the hon. Member for Evesham, yet certainly to the great majority of that House it was most revolting. The hon. Member who seconded the Motion, thought the character of the Government at stake, and that inquiry ought to be granted to soothe the feelings of the public, but for neither of these considerations should he think it consistent with his duty to grant an inquiry, when satisfied, as he was, that inquiry would be injurious to the public interests, and so far from soothing public feelings, he believed this discussion was calculated to irritate, excite, and wound them. He therefore at once said, it would be his duty to resist the Motion of the hon. Gentleman. Both the hon. Gentlemen who had preceded him had made some unintentional misrepresentations. It was true the 7th Clause gave any person in possession of a body right to sell it for anatomical purposes, but the Clause limited that right by a proviso, that if the party dying, even in the last extremity, expressed a wish that his body should not be examined, no person, however nearly related, should have the power to dispose of it; and again, that no body claimed by any relative, however distant, should be subject to examination if that relative objected. The hon. Member for Evesham had stated few grounds for a Committee of Inquiry. He first objected to the general policy of the measure, and next he alleged a personal grievance; and perhaps, but for the latter, the House would never have heard anything of the former. But the hon. Gentleman, in impugning the policy of the Bill, made two large admissions in its favour; first, that it had given undisturbed repose to the ashes of the dead, and secondly that it had saved human life from the attacks of ruffians like Hare and Burke; could two greater benefits have been conferred on society by this Bill? And yet, after making these admissions, the hon. Member wished for a Select Committee to inquire into the policy of the measure. Even if there was an objection to the policy of the Act, that was a question for the House and not for a Committee, to determine, and the hon. Gentleman should bring in a Bill to repeal or to amend the existing law. The hon. Gentleman said that parts of bodies were publicly sold by unlicensed persons; he doubted the fact, but if it were true, it was an infraction of the existing law, and any party so offending was liable to punishment. Every body that was examined was reported to the inspector, and the inspector reported to the Home Secretary quarterly, as to all the bodies examined, how they were distributed; the name, age, &c., of the deceased; so that the identity of the body could be ascertained; and the distribution of the bodies to the several schools of anatomy was also reported, and security was taken that the remains should be decently interred. On this latter point it was said there had been an infraction of the law. The late Government had appointed a Commission to inquire into the general working of the measure. Since the present Government had come into office a more particular inquiry had been instituted. Mr. Green, the eminent surgeon, who had, in the first instance, expressed a favourable opinion towards Mr. Roberts, and Mr. Rogers, Q.C., and Deputy Judge Advocate, being the Commissioners. They carefully investigated the matter, and some additional regulations were adopted by their advice, but the allegations generally made against the working of the law turned out to be incorrect. It appeared, therefore, that there had been full inquiry, and regulations had been adopted which the Government believed would be quite effectual. If any violation of the law occurred, notice given to the Home Office would secure immediate attention. The Bill had secured for science an ample supply of subjects, without which surgery as a science could not make any progress. There had been no violation of public decency—no wounding of public feeling—and the silence with which it had been carried into execution was the best proof of its success. So much for the policy of the measure. He now came to the personal grievance. It was said that the late Government unfairly obtained possession of Mr. Roberts's secret; but at that very moment the preparation used by Mr. Roberts still remained a secret. Mr. Roberts had applied to him for an investigation, and he tendered him one before the College of Surgeons; but Mr. Roberts demanded fresh securities for the preservation of his secret, and sought to impose conditions. It was true, that in 1836, Sir Astley Cooper, and Sir Benjamin Brodie, and other eminent men, did entertain favourable opinions of the discovery; but he had reason to think that Sir Astley Cooper changed his opinion before his death, and as to Sir B. Brodie, he was authorised to state, that Sir B. Brodie

was now satisfied, from investigation, that the discovery, whatever other merits it might have, was not of such a nature as to make it generally available for anatomical purposes. An experiment had been made at Guy's Hospital since 1836, and every opportunity had been given to Mr. Roberts to prove the utility of his invention. Mr. Roberts tried his experiment on several subjects, and with respect to the whole of them, he had been informed that Mr. Roberts had entirely failed. No one experiment had been so successful, he was informed, as to entitle Mr. Roberts to public reward. It was not enough that a body should be preserved merely for anatomical purposes, it was requisite that the muscles, nerves, and fibres should be fresh and perfect, and in speaking of saving the number of bodies required, the House must remember that it was not sufficient for a student to see the knife used, but that he must be accustomed to use it himself. This went to the real merits of Mr. Roberts's claim. There was no doubt that Mr. Roberts's fluid was antiseptic, but not sufficiently so for anatomical purposes. With every respect for a Committee of that House, he did not consider that a question of this kind — painful to consider, and still more painful to discuss — was a fit subject for inquiry. So far as the policy of the measure was interwoven with the Motion, it was clear that the House, and not a Committee, was the place to discuss it; and he must add it was most suspiciously interwoven. He much feared that Mr. Roberts, if no reward were given him for this alleged discovery, was determined to bring the Anatomy Act itself into disrepute. On these grounds he trusted the House would agree with him in refusing the Motion.

Mr. *French* denied, on Mr. Roberts's authority, the statement made by the right hon. Baronet as to the experiment in Guy's Hospital. That experiment was made, not on sixteen bodies, but on four and a half, and was perfectly successful. It was notorious that upwards of 300 paupers had been dissected between the years 1839 and 1841. It was true that Dr. Somerville had been removed, and he gave credit to the right hon. Baronet for this and other corrections of abuses, but many still existed. It was well known that parts of bodies were still sold, and there was a regular market-price for a leg or an arm; and it was also notorious that the masters of workhouses received money for the bodies of the paupers, and after thus disposing of them they entered them in the dead-book as having been buried by their friends. It was clear, then, that the Act did not work beneficially, and the prejudice that existed against it was manifest from the number of parishes that had protested against the pauper bodies being given for dissection. Believing that, he would vote for the Motion.

Mr. *Warburton* disliked the discussion of such a subject, and would gladly have contented himself with appealing to the practical operation of the Anatomy Act. Anatomical schools were established, in London, Dublin, and Edinburgh, Glasgow, Aberdeen, and all large towns, wherever great hospitals existed; yet we had never heard now from any authentic source any well established instances of the bad working of the measure. The study of anatomy was essential to the practice of medicine and surgery; and nothing could have enabled the students to have the necessary opportunity of examining the human system but the measure to which he referred. If the enormities which formerly existed had continued, the Government would have been compelled to put an end to the study of anatomy by the human subject. When Mr. Roberts had first applied to him to assist him in his object of obtaining a grant of money in consideration of the disclosure of this process, he had certainly required to be satisfied that it was not only effective but economical and expeditious, and, on being informed of its nature, he had satisfied himself of its being so; but, upon hearing that Mr. Roberts had carried on an agitation against the Anatomy Act, he declined further proceedings with the matter till persuaded by Sir G. Sinclair. He had been "soft" enough to resume his application to Government recommending a much smaller sum, however, than was required by Mr. Roberts. The Home-office rejected the proposal, and then it appeared that various anatomical authorities, especially the Anatomical Society, had described the process as inefficient. Mr. Roberts had endeavoured to excite prejudices in the popular mind against the operation of the Anatomy Act, and had addressed a letter to the Government declaring his determination, unless they took up his process and remunerated him for its disclosure, to obstruct the distribution of bodies through the metropolitan parishes. And this gentleman had published placards of which one read thus:—

"The method pursued now in procuring and examining dead bodies is destructive, mercenary, and disgusting; destructive, because it entails upon students the risk of death through contact with putrid bodies; mercenary, because the system involves the extraction of the largest amount of fees without regarding the advancement of science; disgusting, because by leaving the dead in a rotten state, more are wasted than are used."

Mr. Roberts had tried to force himself into some workhouses with the object of circulating such placards as these, in another of which he spoke of "the practice of sending thousands of the bodies of paupers and of other friendless persons for dissection;" and this gentleman had held meetings in public houses for the purpose of exciting all possible prejudice and ill-feeling against the operation of the present measure. Various charges had been brought against Dr. Somerville; but a commission of inquiry having been appointed by the Government, not a tittle of evidence was produced to substantiate them.

Alderman *Copeland* said, that for some years past he had moved for certain Returns on this subject, which, although ordered every year to be made, yet from some unfortunate circumstance or another, they had never been furnished to the House. He must say, that on a previous evening this Session, when the subject had been brought before the right hon. Baronet the Home Secretary, that right hon. Gentleman had, he thought, replied to it most satisfactorily. The Commission was issued, and the whole of the allegations which had been made against the conduct of the Inspector of Anatomy had ended simply in the cases of two bodies of paupers having been buried in the Wesleyan churchyard. The proprietor of this burial-ground was one of his Common Council, and he had reason to think that there were hundreds buried in these fields. He thought it somewhat extraordinary, that from the day that Commission (which had been so often alluded to) had been appointed, up to the present time, no Report had been made by the Commissioners to the Secretary of State. He believed, that this Anatomy Act had been for a series of years made the instrument of jobbing, with the view of giving an income to the University College. He thought that this was a subject worthy of the serious attention of the Government, who ought to appoint some persons to supervise the conduct of those against whom such allegations as the present had been brought, and to Report on the subject occasionally to the House.

Sir *J. Graham* in justice to Dr. Somerville was bound to say, that the whole of the charges made against him were submitted to the Commission, and were by them investigated, and they had reported that none of them were true, except that of the burial of a person in the Globe Fields.

Mr. *T. Duncombe* had always understood that a Minister of the Crown should never refer to any official Report which was not virtually laid upon the Table of the House. A Commission was appointed to investigate these charges, but it was somewhat extraordinary that no copy of the evidence taken before such Commission had ever been furnished to that House nor any Report founded upon such evidence. The right hon. Baronet had, however, thought proper to quote from this Report in his opposition to the Motion of the hon. Member for Evesham. They, however, knew nothing of this Report—indeed it was that they sought to be informed of. It was not fair or candid towards the public to refer to documents of that sort which the House was not as yet in possession of. If this Act had worked in a proper manner—if no such abuses had been practised under it as had been alleged—why not have the Report of the Commission laid on the Table of the House? This debate would no doubt excite extraordinary feelings of indignation in the minds of the public for the manner in which they had been treated. The determination of the House and the Government to burke all inquiry into this subject was quite apparent. It was no doubt a most delicate subject, and perhaps one that ought not to have been brought before the House. He was not expressing any opinion upon that point; but having been brought before it, they were bound to deal with it in some way or other, so as to satisfy the public. He regretted that the new fluid invention of Mr. Roberts had been put forward in his petition, inasmuch as it exposed him to the charge of being influenced by some sort of mercenary motives, as had been attributed to him by some hon. Gentlemen opposite. This had nothing to do with the nature of the Motion that the hon. Member for Evesham had brought before the House, which was to inquire into the operation of the Anatomy Act, and not into this inven-

tion. The hon. Alderman opposite had stated, that there had been much jobbing carried on under the Act—if so, it was high time for the House to inquire into it. He knew that much abuse had existed with regard to the Holborn Union, where they had been supplying the schools of anatomy with the bodies of the paupers at a considerable profit to a certain party. Many complaints had been made in the various petitions which had been presented on this subject to the House by parties who could not be accused of having any sinister motives. Such petitions had been presented from Holborn, and from his own constituents complaining that the remains of paupers did not receive Christian burial. He believed that a stronger feeling existed in the breasts of the poor with regard to the remains of their relatives than even in those of the rich. It was a subject which this House must inquire into. It was distinctly proved before the Committee on the subject of Health of Towns, that the bodies of paupers had been buried in an improper manner, and the service of the dead had been read by a man who had merely put a surplice on for that purpose.

Lord *J. Russell* said, that if all the proceedings under the Anatomy Act, were to be made subjects of continual discussion in that House, and if every inflammatory statement were to be made the ground of special inquiry, he was afraid they would be unable to withstand the clamour which would be raised, and that they would be obliged to repeal the Act. In this case they would have revived those abuses and even those horrible crimes which were perpetrated before the passing of the Anatomy Act. An hon. Gentleman said, that some person in a workhouse had made a profit by the sale of the dead bodies of the paupers. In that case the Guardians of the Union ought to have investigated the conduct of their officer, and have dismissed him if the charge were true. With respect to the invention of Mr. Roberts, he (Lord J. Russell) had been in hopes that it would have greatly tended to the advancement of anatomical science, and it was only after submitting the subject to the consideration of persons competent to judge, and obtaining their opinion, that it would not be beneficial in the way he had expected, that he desisted from proposing any reward or making any Motion on the subject. The right hon. Gentleman, who had succeeded him in office, had not felt it necessary to pursue a different course; but Mr. Roberts had gone on agitating, with the hope of getting his discovery adopted. He trusted that the Government would not be influenced by threats of any kind, to favour an individual at the expense of the public, and he hoped also that House would not agree to the proposed Motion.

The House divided:—Ayes 10; Noes 49: Majority 39.

List of the AYES.

Barnard, E. G.	Granger, T. C.
Bright, J.	Johnson, Gen.
Browne, hon. W.	Napier, Sir C.
Cobden, R.	
Copeland, Ald.	TELLERS.
Duncombe, T.	Borthwick, P.
Fielden J.	French, F.

List of the NOES.

Aglionby, H. A.	Lennox, Lord A.
Aldam, W.	Lincoln, Earl of
Archbold, R.	Mainwaring, T.
Arkwright, G.	Norreys, Sir D. J.
Barron, Sir H. W.	O'Ferrall, R. M.
Bellew, R. M.	Peel, rt. hn. Sir R.
Bowring. Dr.	Price, R.
Brocklehvrst, J.	Rawdon, Col.
Brotherton, J.	Redington, T. N.
Busfield, W.	Ross, D. R.
Butler, hon. Col.	Russell, Lord J.
Chapman, B.	Shaw, rt. hn. F.
Curteis, H. B.	Somerset, Lord G.
Douglas, Sir C. E.	Stanley, E.
Duncan G.	Stuart, W. V.
Eliot, Lord	Stock, Mr. Serjt.
Escott, B.	Sutton, hn. H. M.
Forster, M.	Tufnell, H.
Fremantle, rt. hn. Sir T.	Walsh, Sir J. B.
Gladstone, rt. hn. W. E.	Warburton, H.
Gladstone, Capt.	Ward, H. G.
Goulbeurn, rt. hn. H.	Wawn, J. T.
Graham, rt. hn. Sir J.	Wyse, T.
Greenaway, C.	TELLERS.
Hamilton, W. J.	Young, J.
Knatchball, rt. hn. Sir E.	Pringle, A.

CHURCH TEMPORALITIES (IRELAND).] Mr. *Ward* said—Sir, nobody can feel more strongly than I do both the difficulties and responsibility that attach to any attempt made under the present circumstances of England and Ireland to re-open the question which I am about to bring under the consideration of the House this evening; and strong as my opinions unquestionably are respecting it—deep as is my conviction that delay in dealing with it will only aggravate the mischiefs of past procrastination—yet, Sir,

I should have shrunk from the task of endeavouring again to engage the attention of this House to a subject so largely and so ably discussed at the beginning of the present Session, if I had seen anything like a hope, however distant and however faint, that Her Majesty's Ministers were prepared to recognise the principle on which the settlement of this question must ultimately depend. Sir, I have never been extravagant enough in my ideas to suppose that this is a question which can be settled, or even materially advanced, by any individual efforts. The same unhappy feelings, the same stubborn prejudices, that have plunged us for 300 years into a course of vicious legislation, still retain a certain hold, at all events, on the public mind, though I believe it to be much weakened; and whenever the time shall come for dealing practically with this question, it will require the best efforts of the best men on both sides of the House to remove the obstacles that still obstruct our path. There must be much forbearance, there must be many mutual concessions. Men on all sides must follow the advice of Bishop Watson, in the debate upon the Union, and learn to give up small things in order to secure great things, tranquillity, concord, peace. I have said thus much, that the House may not imagine, that I conceive the question to be one free from difficulties. I admit it to be difficult, I admit it to be complicated, but I say that is no reason why it should not be entertained. The Catholic question was difficult, but the Catholic question was carried; and the more difficult, the more complicated this question is, the more indispensable does it become that the House should entertain it, and entertain it promptly, before it is forced upon it by events over which it can have no control;—that it should try to fathom the difficulty, to unravel the complication, in order to place, if possible, the Irish Church on a footing more suited to its own professed objects, and more conducive to the great interests which it was intended to cement. With these feelings, if I had seen anything like a progressive policy on the part of Ministers—anything like an honest determination or desire to grapple with that which is their real difficulty in the Government of this country (and they know it well)—to regard Catholic Emancipation as Mr. Pitt would have regarded it, as the first of a great series of measures for the amelioration of Ireland, framed in a large and comprehensive spirit, and carried out with a vigorous hand—I say, that such a policy as that would have had no warmer supporter in this House than myself. I adopt, upon this point, not merely the feelings, but the words of an hon. Friend of mine, whom I am sorry not now to see in his place, for I have very often the pleasure of concurring in opinion with him, although we sit on different sides of the House. I mean the hon. Member for Wakefield, who said, in a recent debate, that " He wished to hear his right hon. Friend at the head of the Government announcing his intention of altering the anomalous position of the Protestant Church in Ireland, whilst maintaining it in those principles on which alone a Church Establishment could be maintained in any country for the purposes of religion, and the spiritual instruction of the people; but altogether giving up the idea that it was to be looked upon as a Protestant stronghold in that country." Sir, I adopt these sentiments altogether; but I ask any Gentleman on either side of the House, whether in the fondest credulity of party prepossession, he can point out to me any word or act since this time last year that would warrant him in entertaining the belief that such are the sentiments of Her Majesty's Government? Has there been any good legislation for Ireland? Is there any prospect of good legislation? Have Ministers announced any great change in their policy? Can any change be reasonably anticipated? Has any one thing been said or done calculated to allay admitted discontent, to remove just causes of excitement, and to bring back the alienated feelings of the people of Ireland to this country and to this House? No! There has been no good legislation, there is no rational ground for hope. The only Government measure announced is the Registration Bill; and until the right hon. Baronet, the Secretary of State for the Home Department, declared to-night, that if the business before the House would admit of it, he had some intention of proceeding with it on the 1st of July, I really believed that it had been received with such a universality of condemnation, that we should not have heard of it again. There was another Bill—a very useful Bill—to which the right hon. Baronet at the head of the Government alluded at the beginning of the Session—viz., a Bill

to facilitate Endowments for the Catholic Clergy. I do not know whether that is in the list of measures which we may hope to see introduced by Government during the present Session, but up to the present time, at all events, there has been no legislation for Ireland since this time twelvemonth; and if from works we go to words, if, giving up the past policy of Government in Ireland as indefensible, we look to their own declarations as the criterion of their future conduct, I say distinctly, that never was there a time when there was so little good to expect and so much bad to anticipate. The Government have placed themselves in a strange position. They have not only taken up a position which is in itself untenable, but they have pledged themselves to die in the last ditch. We have had a series of declarations, within the last twelve months, coming from almost every Member of the Government, offensive to Ireland, discouraging to those who wish well to her, without reference to party objects here, and destroying all hope of future good from men who have begun by tying their own hands on the most important points that can possibly come before them in connection with Irish affairs. The noble Lord, the Secretary for Ireland, commenced these declarations upon this very question to which I have now the honour to call your attention, while it was under discussion towards the close of last Session. In his speech upon that occasion the noble Lord said, "He could see no difference between a Protestant Establishment and a Protestant Sovereign." "The Union was a distinct compact for the preservation of the Protestant Church." And in 1829, when Catholic Emancipation was carried, "there was an implied agreement, which it would be a gross breach of faith in the Government that carried that measure to depart from." This was the first declaration made by the Government in that House as to their intentions towards Ireland. He then came to another which had been made during the present Session. He knew not whether he was strictly in order in referring to speeches made in that House during the present Session; but as the rules of the House could always be evaded by a periphrasis, it would perhaps be more convenient to allow him to allude directly to those passages in a former debate which were necessary to his argument. He would, therefore, refer to the speech of an hon. Gentleman, whose opinion he should at all times consider to be of some weight on Irish affairs, but whose views derived additional weight by his recent appointment as Secretary to the Treasury, and he found that that hon. Gentleman (Mr. J. Young) had declared "the Church to be the line of separation between parties in this country." "No Conservative Statesman could, without dishonour to himself and ruin to his party, make any other declaration than that he was determined to maintain inviolate and intact the dignity and possessions of the Established Church." Then came the declaration of the right hon. Baronet, the Home Secretary (Sir J. Graham), who, speaking of Ireland as "the fatal field which had separated him from all his former friends, and on which he could not hope to meet them again except as opponents;" said, in his answer to the wise suggestions of the noble Lord, the Member for London, in the strongest and boldest manner:—

"I reject all these nostrums—they are all incompatible with that preference which the Protestant State of England, as a fundamental principle, has decided on giving in favour of the Protestant Church Establishment." "I stand upon the choice made by this country at the Reformation, confirmed at the Revolution, sealed by the Act of Settlement, and ratified by the Act of Union. I hold that preference to be amongst the firmest foundations of our liberties. I believe it to have been the work of the greatest Statesmen; and I do not believe that it will be overthrown by any Repeal Association, or any body of conspirators, such as we have succeeded in convicting."

The right hon. Baronet at the head of the Government, had the merit of having considerably modified these declarations. The right hon. Baronet, it was true, declared that the Act of Union was one compact, and the Emancipation Act another, both being intended "to give an assurance to the Protestants of Ireland and of England that the existence of the Established Church should not be endangered;" but he added "If we are now convinced that the social amelioration of Ireland requires an alteration of this law—a departure from that compact—are our legislative functions so bound up, that we must maintain the compact in defiance of our convictions? I, for one, am not prepared to contend for that doctrine." Still he came to the same conclusion as his Col-

leagues; for he said: "I bring reason, and conviction, in aid of compact, and authority; and I come to the conclusion that the best course, and the course which I, for one, as far as my humble powers can be exerted, shall pursue, is—to maintain in its integrity the Protestant Church." These were declarations from which he, for one, could draw but little hope for the future fate of Ireland; for, so long as they were acted up to, there was no probability of bringing the question which agitated that country, to a satisfactory conclusion. But, as if to prove that there was no disunion in the Cabinet upon the subject of Ireland at least, they had had a still stronger, and more singular declaration made in another place, to which he could not allude more directly than by saying, it was a place, the proceedings in which they were duly informed of by certain organs, which made it their business to report all that took place there, although nothing at all could be known about it in the House of Commons. He referred to a declaration recently made by the Duke of Wellington, on the presentation of a petition from Glasgow, by Lord Fitzwilliam, praying the House of Lords to take the position of the Protestant Church in Ireland into their consideration, as being the ground of all the differences, and discontent, which existed in that country. On that occasion the noble Duke said—"The noble Lord says, something or other must be done. He does not state what it is to be; but it is, at all events, to involve the repeal of those laws, upon which the Reformation in this country has been founded."—"The Protestant Church has subsisted in Ireland for 300 years. It was maintained there during a century of contests, rebellions, and massacres. It was part of the compact made with the Parliament of Ireland at the time of the Union. It is the foundation upon which the Union rests; and you cannot depart from it, without being guilty of a breach of faith, worse than those referred to in other countries, worse than those pecuniary breaches of faith which have been alluded to on other occasions." Now, this vehemence of protestation was, in his (Mr. Ward's) humble judgment, not merely useless, but most impolitic. It irritated, but did not convince. It settled nothing, and could settle nothing, for no speech made in Parliament could reconcile the Irish people to a system which was indefensible, because opposed to their natural rights. Besides which, they had had too many of such declarations. The Duke Wellington was not the first Duke who had spoken upon such subjects. He (Mr. Ward) could well remember a memorable occasion when a Royal Duke had taken an equally prominent part against the concession of Catholic rights—for they had to deal with the same question now, as before the Emancipation Act, though in a somewhat different shape. He well remembered that most memorable speech of the Duke York's, which had done more, in the short space of twenty lines, to alienate, and exasperate, the people of Ireland than all the treachery of Limerick, or the sufferings of the Penal Laws. He recollected that speech well, flaunting in golden letters in every orthodox bookseller's shop, and cried up as the paragon of earthly wisdom by the men, who hoped to rivet their own hold upon power by pandering to the prejudices of Protestant mobs, and Protestant heirs to the Throne. Nothing could be more solemn than the declaration of the noble Duke. He said, "Concession to Catholics would be a total change in the fundamental principle of the Constitution — a blow striking at the very root of it."—"Nobody was more inclined to toleration than his late Majesty; but there was a great difference between toleration, participation, and emancipation." "The Coronation Oath stood in the way of it, from the obligations of which the King could neither release himself by any act of his own, nor be released by any act of the Legislature." "He had imbibed these principles in his earliest youth, and subscribed to their justice, after the most serious consideration, when he attained more mature years; and these were the principles to which he would adhere, and which he would maintain, and act up to, to the latest moment of his existence, so help him God!" Had that declaration arrested the course of events? Had it stopped Catholic Emancipation? On the contrary, Catholic Emancipation was carried only four years afterwards, by that very Duke of Wellington, who now invoked the Duke of York's principles against his own,—that is, against the proper working out of those principles upon which he himself acted in 1829. The only effect of that declaration was to

delay a great, wise, and comprehensive measure until it lost half its utility, and all its grace. But, happily, there was a sort of fatality that appeared to attend the declarations of the Duke of Wellington. His strongest declarations were usually followed by the largest concessions; and viewing the matter in that light, he looked upon the recent speech of the noble Duke with some satisfaction. He remembered that but twelve months before the passing of the Reform Bill, the British Constitution was declared to be the most perfect ever devised by human wisdom; and Lord Ellenborough's recall was pronounced the grossest act of indiscretion on record, just three weeks before the dinner to his successor, at which the noble Duke was present. There was no want of moral courage in the noble Duke when right, but he sometimes did in the Cabinet, what he never did in the field, he took up a bad position. He had a right, therefore, to hope that the same results would follow the noble Duke's declarations in regard to the Irish Church, as had followed them upon the other questions to which he had referred. But he had a better reason still for doubting whether this declaration ought to produce any effect on the country; for it was on record that both the noble Duke, and the right hon. Baronet (Sir R. Peel), had seen the inevitable consequence of their own measure of 1829 before they carried it. Not only had they foreseen it, but they predicted it,—they painted it to the country in the strongest colours, as a reason for not doing what they afterwards did. How, then, could they complain of the fulfilment of their own prophecies? He (Mr. Ward) had quoted a speech of the right hon. Baronet, in the debates upon the Arms Bill, which the right hon. Baronet ought not to have forgotten, for it made an extraordinary impression on the country when it was delivered. He was reading, the other day, the letters of Lord Dudley to the Bishop of Llandaff, and he found it thus described by that noble Lord in his diary:—"We had an excellent Anti-Catholic speech from Peel last night—really quite capital. He said all that could be said on that side, and said it in the best possible way." And what was the most prominent argument in this much-praised speech? He would not again read the whole passage, but the gist of it was, that if the Catholics were constituted like other men—if they had organs, senses, affections, passions, like ourselves—they must aspire to the re-establishment of their own Church in the place of our 'intrusive Church,' in all its ancient splendour? Is it not natural, said the right hon. Baronet, that they should do so? If I argue even from my own feelings — if I place myself in their situation — I answer that it is. And then he illustrated this by the case of Scotland, and said, that it was not until "Scotland with her Presbyterian Church, was united to England with her Episcopal Church, that all jealousies were buried in oblivion, and the political Union was complete." He found, too, that the Duke of Wellington two years later, had said (March 1819), "that if Roman Catholics were admitted to political power no doubt could be entertained, but that their first exertions would be directed towards restoring their religion to its original supremacy." Now, he maintained that there was no wish for supremacy upon the part of the Roman Catholics. All that they asked was equality with the Protestants; and how could the right hon. Baronet and the noble Duke hope to satisfy Ireland, without doing that for her, which they predicted it would be absolutely impossible to withhold, if Catholic Emancipation were granted? He would deal later with some of the other arguments to which he had referred; but first he must show the House what it was, that they were really disputing about. Fortunately, he could do this without wearying the House with statistical details. The relative proportions of the population in Ireland were admitted; and even upon the delicate point of revenue, there was no longer any material difference; for his noble Friend (Lord Eliot) with a frankness that did him the greatest honour, and for which he begged to express his own obligations, had brought over Mr. Erck, the Ecclesiastical Commissioner, and directed him to give him (Mr. Ward) access to all the documents in his possession, for the express purpose of avoiding the differences, that had occurred last year in their calculations:—

Last year his estimate of the revenue of the Irish Church was	£552,753
Lord Eliot's	432,023
Difference	£120,730

Both of these estimates were very much

under the mark. He believed he might take the

Episcopal revenues as	£151,127
Deans and Prebends	34,481
Minor Canons and Vicars Choral	10,525
	£196,133
Parochial tithes	486,785
Episcopal	9,515
Received by dignitaries	24,460
	£520,660
Deduct 25 per cent. for rent charge	130,165
Remain	£390,495
Add Episcopal revenues (tithes deducted, £33,875)	162,258
	£552,753
Glebes as valued by Ecclesiastical Commissioners	80,000
Minister's Money	10,000
Demised tithes	8,000
Total present income	£650,753

This was the sum upon which all parties were now agreed, as representing the actual income of the Establishment. Out of this income it provided for a population of 750,000 Episcopalians. This was the real number, because, in the original Census, the Wesleyan Methodists had been included, which they ought not to have been, as they maintained 300 Chapels themselves. Taking, then, the number as 750,000 Protestants, they would recollect that in England there were about 14,000,000. In Ireland there were 2,450 parishes, in England there were 10,750. With these 2,450 parishes, there were in Ireland only 1,422 beneficed Clergymen. In Ireland, too, they had two Archbishops and ten Bishops; while in England and Wales there were but two Archbishops and twenty-four Bishops, for ten times the Episcopalian population. In Ireland there was one Bishop to every 118 Benefices. In England there was only one Bishop to every 412 Benefices. In the diocese of Lincoln there were 1,259 Benefices, and in that of Norwich 1,033 Benefices—so that two Bishops superintended 2,292 Benefices, while in Ireland there were twelve Bishops to superintend 1,422 Benefices. Now, would not one Archbishop and three Bishops, at the most, be sufficient to superintend 1,422 Benefices? Again, taking the income of the Church at 650,000*l.*, that would show that 18*s.* or 20*s.* was the sum paid for the spiritual instruction of each member of the Episcopalian population. But that was not all they had done for the Church. Look at the Education grants—the grants for building churches and glebe-houses. There was 1,000,000*l.* for the arrears of tithes; 595,000*l.* for churches; 366,000*l.* for glebe-houses; 1,378,000*l.* for Education grants—the Charter Schools,—the Society for the Suppression of Vice,—he supposed that meant Catholicism,—and the Kildare-street Society; making a total of 3,310,627*l.* laid out since the Union. Before and since the Union upwards of 1,000,000*l.* had been devoted to the Charter Schools alone. These Charter Schools were intended to convert to Protestantism the youth of Ireland. They failed, however, as all such institutions must fail. They failed from the inherent vice of their constitution. They were proselytising schools. The catechism by order of the Church used in them taught Catholic children that their parents were wicked and damnable heretics. Now, what parents would send their children to be so educated—to learn to treat with contempt their religious opinions, and to curse the creed of their forefathers? And what children so brought up, were likely to turn out good subjects, or good Christians? In fact, they knew from the Returns, that hardly one in fifty of the children educated at these schools turned out well in after life. And yet upwards of a million of money had been expended upon this unnatural experiment. But this was only one of the blunders which, in an almost continuous line, from the Reformation, down to the last word in the last debate upon Irish affairs, had disfigured the policy of this country towards Ireland. Upon the last occasion, on which he had brought forward this subject, he had shewn at much length how the vices of Protestant legislation and the misconduct of the Protestant Church had been the great bars to the progress of Protestantism—he had shewn how they had neglected the language, the feelings, and the habits of the people—how they had made no attempt to satisfy their doubts, or remove their scruples—how the King's Supremacy had been made use of to rob the Church of its property at first, and then as an excuse for plundering those who did not conform to it. Some of these facts had been disputed by the right hon. and learned Gentleman the Recorder of Dublin, but on referring to the original do-

cuments he saw no cause to alter, or modify, his opinion. The 28th of Henry VIII. provided that vacant preferments should be given to those who spoke the English language, "and to none others." And though the 2nd of Elizabeth, cap. 13, modified this absurdity by allowing Latin to be used "as an alternative," though, in the 13th year of her reign, she sent over a fount of Irish types "in the hope that God in his mercy would raise up some to translate the New Testament into their Mother Tongue,—still James I. in 1620, admits, "that the simple natives were kept in darkness for want of ministers who could speak their own language." In 1684, the Convocation again ordained the use of the Irish tongue in the churches; but this remained a dead letter, for so late as 1710, there is a Resolution of the Irish House of Commons, which declares "that it is necessary that a number of ministers duly qualified to instruct the natives of the Kingdom, and perform the offices of religion to them in their own language, be provided, and encouraged by a suitable maintenance." It was clear, therefore, that the Church had provided nothing of the sort up to the year 1710. How could it? It was a Political and not a Missionary Church. It might boast of a few distinguished scholars, and real Churchmen, like Archbishop Usher, and Jeremy Taylor; but its dignitaries were mostly ecclesiastical statesmen,—worldly, jobbing, Prelates—the only rich men in a poor country, the founders of half the Irish aristocracy, by the rapacious use which they made of their advantages. Archbishop Loftus, in the time of Elizabeth was the type of the whole class. He was Archbishop first of Armagh, then of Dublin, Dean of St. Patrick,—a wholesale pluralist,—Lord Chancellor,—one of the Lords Justices, reputedly,—and, as a natural consequence, the ancestor of two noble families, Lord Lisburne, and the Marquess of Ely, for both of which he provided abundantly. Thomas Jones, who was Archbishop of Dublin under James I., was the ancestor of Lord Ranelegh. Michael Boyle Archbishop in 1663, held six parishes as sinecures, on the plea that he could not find fit persons to fill them,—built a palace,—and bequeathed an immense property to his son, who became Viscount Blessington. Charles Agar, Archbishop of Dublin in 1801, left 400,000*l.* in money, and his son was created Earl of Normanton. There were four Beresfords at once upon the Bench, and but two Irishmen, from the Reformation to the Union, that ever held the See of Dublin; so that the history of the Irish Church during three whole centuries, fully justifies the opinion expressed respecting it by Queen Mary, in her letter to William III., written during his stay in Ireland, in which she says, "I must put you in mind of one thing, believing it to be now the season, which is, that you would take care of the Irish Church. Every body agrees that it is the worst in Christendom." [*Hear, henr.*] Sir, these things are not forgotten. Nations have long memories. The Irish Catholics have seen the Church, from the earliest times made the instrument of their own oppression; and thousands amongst them believe to this day that the Loftus family bears as its arms, a cross sprinkled with blood, because the Archbishop of that name, presided as Lord Justice, at the execution of the Catholic Bishop of Cashel. The hon. Member for Shrewsbury had alluded in a former debate to the only lull that had taken place during the period to which he had been adverting, as described in Sir William Brereton's Memoirs. It was under Charles I., about six years before the Great Rebellion, when the only oath required from the Catholic was the Oath of Allegiance, and consequently there were Catholic sheriffs, and magistrates, and Members of Parliament, and juries; and to a certain extent the Catholics did enjoy the privileges of the British Constitution. But the blessing was of short duration; for James I., by the confiscation of Ulster, prepared the way for what our historians called the Catholic Rebellion. That event, however, did not arise out of a community of faith so much as out of a community of oppression. It was the Protestant colonization of the north that led to the rising of 1641, which was a struggle for land and life, not for religion. Yet the idea had been implanted here, that it was all the work of a Papist conspiracy; and the excesses committed when the English settlers were expelled, were exaggerated to a degree that a man who looked into history dispassionately could hardly believe the accounts given of them. All this led the way for that second conquest by Cromwell which placed Ireland, according to Lord Granville, in his speech upon the Union, "at

the mercy of a colony of English sectarians, who had sucked in with their mothers' milk a hatred of Popery, and who dealt with Ireland accordingly." And yet those very Sectarians took the Church into their alliance at the Restoration. I read the other day Jeremy Taylor's famous Sermon upon the Consecration of two Archbishops and ten Bishops in Dublin, preached before the very man who had destroyed Episcopacy in England, and beheaded their Sovereign, yet now consented to adopt the Church as a political instrument in Ireland. It was so used both by the Crown and the Parliament. The Crown used it to corrupt the Parliament, as I showed last year, by the correspondence of Primate Boulter and the Marquis of Buckingham;—the Parliament used it as a plea for an Anti-Catholic Crusade, whenever the "Hewers of wood and drawers of water" were becoming too strong for them. It was not the Church however, for which Cromwell's followers cared. Protestantism with them meant the forfeited estates, and the partial resumption of them by James II. and the Parliament of Dublin, led to the Penal Laws and the violation of the Treaty of Limerick. For Catholic humiliation became necessary to Protestant safety. The Penal Laws never had a religious character. Religion was a mere mask. No conversions were made or thought of. The sole object was to keep one sect down, and to exalt the other; and the Irish people was divided by them into two distinct races, Spartans and Helots,—a nation of slaves,—an oligarchy of tyrants! This is the clue to all those mysteries of iniquity, perpetrated by Irish magistrates and Irish Courts of Justice,—those local Popish plots—those judicial murders, by packed juries and perjured informers, like that of Father Sheehy and Edmund Sheehy,—tragedies which nothing but the madness of self-interest can explain, but in all of which unhappily, religion was made the plea, and the Church an actor. Indeed, the clerical magistrates were, in general, the most active, and the least scrupulous, for a Church in danger, like a king in danger, is always a tyrant. It conceives everything to be justifiable, when struggling for its own existence. So it was in 1798. So it is still. Time has modified some of the worst features of the system, but the spirit still continues; and though the Union has mitigated many abuses, it has produced others. It began with promises disgracefully broken, and it ended by making Ireland the battle-field of English politicians. When the struggle whether the promises made to the Catholics by Mr. Pitt should be kept or not, was decided by the No Popery cry in 1807, Ireland was treated with the most insolent apathy. Abuses long admitted to be intolerable were cherished, until the country was driven to the very verge of rebellion. Tithes were not touched till 1822. "The galling blister of the Vestry Cess," as the noble Lord the Secretary for the Colonies had himself called it, was not removed till 1833; and to this hour, the pledge given by both Houses of Parliament in the debate upon the Union was left unredeemed, unless indeed it were maintained, that a Protestant Church supported by a Catholic people, was not "a just cause of complaint," and that its removal would not be "a well considered measure of improvement." He admitted that this was once the feeling of the great majority of the people of England. Prejudice, ignorance, the respect for authority, and a great fear of misrepresentation upon religious subjects, had long induced most people to look with considerable apprehension on this question. Ten years ago he had stood almost alone upon the subject. But there had been a great change since—a change as marked, as it had been steadily progressing. Even in that House they had heard strong opinions upon the subject expressed in strong language. The noble Lord the Member for Sunderland had stated his views very broadly to the country. The noble Lord the Member for London had most unequivocally expressed his concurrence in the principle of equality. All those who had voted with that noble Lord must entertain a feeling that it was necessary that the Irish Church should be dealt with. And they must be pretty sure, too, that in this respect their constituents thought with them. All this showed the progress making in the public mind upon the question. Views which would have been pronounced bold and rash, had they been enunciated some years ago, were now everywhere passing current, and they were approved by many who did not dare to speak their sentiments with equal freedom, because party ties, and a desire to preserve party consistency, hindered many from arriving at this most desirable consummation. He might refer here also, as an

additional evidence of this change, to the opinion of the *Edinburgh Review*—a great party organ—one which was entitled to high consideration—and in this case to none the less, as he might venture to inform them, because the article from which he was about to quote had received the entire concurrence and sanction of the present Archbishop of Dublin. The *Edinburgh Review* now adopted almost all the views expressed by him (Mr. Ward) last August. It recommended the substitution of the congregational for the parochial system,—a reduction of two-thirds of the Episcopal Establishment,—a large endowment of the Catholic Clergy, which he did not now think practicable,—and the complete regeneration of Maynooth as an educational institution. It ranked the Church, in short, as the first of the "moral evils" of Ireland, and as one of the main causes of its "national evils," by the just discontent which it engendered;—and it summed up the result of its observations with admirable conciseness in the following passage:—

"No one, whatever be his party, whatever be his religion, has been able while he read the last sentence, to prevent his thoughts from turning to the provision made in Ireland for the religion of the people. That the Episcopal palaces, the Episcopal estates, the Chapter estates, the Parsonages, the Glebes, and the Tithes of the whole country should be given over to one-tenth of its population; that another tenth should receive a regular provision for its Clergy from the Imperial revenue; and that the remaining four-fifths should obtain no public aid in supplying their spiritual wants, except a trifling annual vote for a Seminary; that the endowed minority should be the richest, and the unassisted majority the poorest portion of the community; that the minority should be the intruders into an endowment of which the majority were the ancient founders and possessors—all this some may think an injury, others an insult, and others, among whom we find ourselves, may think it an insult and injury combined; some may suppose that it is the unhappy but necessary link by which Great Britain and Ireland are united; others that it is the wedge that is to separate them; some may believe that it is one of the outworks of the Church of England; others that it affords the platform from which that Church can be most easily attacked. But no British Statesman, whether Tory or Whig, Conservative or Radical, however he may think it ought to be dealt with in practice, dares to defend, or even to palliate it in principle. No one ventures to affirm that if the past could be recalled, he would propose such an institution—no one would tamely submit to the imputation of such folly and such injustice—no one, in a word, conceals his regret that our ancestors were guilty of such an absurdity and such a crime. If such are the feelings of bystanders, what must be those of sufferers? If Protestants are filled with shame and remorse, what can be expected from Catholics but indignation and hatred?"

Were these terms too strong? He really thought that the best proof of the justice of the complaints made against the Church in Ireland was the frankness of the admissions of those who persisted in withholding the remedy. One of the most remarkable speeches made in the debate last year, so prematurely and discreditably closed, was that of the hon. Baronet the Member for the University of Oxford. The hon. Baronet made large admissions—immense admissions. He agreed with him (Mr. Ward) that the neglect of the native language was "the sin of England, and consequently her curse." The hon. Baronet acknowledged that there were gross abuses in Church and State. He gave up Primate Boulter; he thought worse of Primate Stone. He admitted that the King's supremacy had been perverted by almost every Viceroy, up to the Union, for political purposes. With the Cromwellian settlement he said justly that the Church of England had nothing to do, "for it was the triumph of dissent." The Union Bishops he gave up as absolutely indefensible. The only historical point, on which he and the hon. Baronet differed materially was the treaty of Limerick, the guilt of violating which, he said, did not lie with the Church, because Dr. Dopping's doctrine, "that no faith was to be kept with heretics," was repudiated, on the following Sunday, by the Bishop of Meath, and the Doctor's name struck off the list of the Privy Council, a proper punishment for his indiscretion. But if the Parliament practised what Dr. Dopping preached, how were the Catholics the better for it? And it did so. No grosser instance of broken faith was upon record. The Catholics stipulated for all such privileges as the laws of Ireland conceded to them, or as they enjoyed in the days of Charles II., when no oath was required but the oath of allegiance. The Parliament, by a new law, imposed another oath which no Catholic could take without renouncing his religion, and then punished with the Penal Laws all who

refused it; and that was what the hon. Baronet defended. But was this the way to reprobate "a scandalous doctrine?" The noble Lord, the Member for Bandon, was equally large in his admissions as to the non-residence of the Clergy, and the not using the revenues of the Church for spiritual purposes, and the entire neglect of the religious instruction of the people. The noble Secretary for Ireland was complimented by the noble Lord upon the able manner in which his (Mr. Ward's) exaggerated statement of the Church revenue had been refuted; but the fact was, that both the noble Lord and himself were completely under the mark, as had been shown that night. But the noble Lord's own statements were not the less valuable, because his compliments were injudicious. There had been built, according to the noble Lord's statement, from the Reformation down to 1726 but 141 glebe-houses in all Ireland. In 1800 only 295; in 1820, 680; being an increase of 473 glebe-houses in twenty years. All this was a complete confirmation of his charges. What was the state of the country for 300 years before these improvements? The hon. Baronet, the Member for Oxford University consoled himself by saying, that although many arrangements made at the Union continued to interfere with the growing improvement, within the last thirty years the change was quite wonderful. There were hardly any non-resident clergy, and all were more earnest, and regular, in the discharge of their duties, so that they were no longer liable to the charges formerly levelled against them. He was sorry to disturb the comfortable tranquillity of the hon. Baronet's conscience. But it did so happen that he got very curious complaints from Ireland. His desk was a receptacle for Irish Church grievances. He had a placard sent him the other day—the genuineness of which could not be disputed, for it was taken from where it had been stuck up on the walls of Kells—it was the announcement of a sale of "the genuine effects of the late venerable Thomas de Lacy, the Archdeacon of Meath," and among the genuine effects," he found "forty thorough-bred horses, and mares, from three, to seven, years old;" "and also these justly celebrated and well-known sires, Sir Edw. and Sir Hugh. Their reputation as hunters and steeple-chasers were such as to render all comment unnecessary." All these were the genuine effects of the Venerable Archdeacon of Meath. Here they are (continued the hon. Member holding up the placard;) here are all their names and designations duly set forth. Besides the thoroughbreds there were "thirteen capital working horses and five Spanish donkeys, three of them in foal." Besides all these he had the announcement of a sale of hounds in Dublin. There were "thirty couples of beagles, the handsomest and of the best blood in Ireland;" and then there were thirteen pair of greyhounds "well-known in Meath." All these were the property of the same reverend gentleman. Now, he thought that this did not savour very much of an apostolical age. He feared that the hon. Baronet, the Member for the University of Oxford, would find that there was yet some small room for improvement. But here he would beg leave to read a letter which he had received from a Catholic clergyman who had sent him over these advertisements, to show the House the feelings which such things could not fail to produce in the minds of the Irish people:—

"*Chapel-House, Kells, Ireland, April* 18, 1844.

"Respected Sir—Permit me to send you herewith a placard (regarding the late Archdeacon de Lacy's auction), which (placard) has been actually posted up in the public streets of this town, illustrative as it is of the wealth lavished by the State on the unemployed unwanted clergy of a miserable minority of the Irish people. Would I, then, desire for myself, or my Order, a share in the 'State bounty?" So far from it, that I do most solemnly aver that I would prefer the unlimited perpetuation of the present outrageous monopoly of the Protestant Establishment to the contamination, and dependence, that must necessarily result from any connection of the Catholic Church of this Kingdom with the State, such as could possibly obtain the sanction of an English Legislature. Let the State, standing as it should, towards the people, '*loco parentis*," perform in their regard the functions of a wise and just parent, and conciliate the lasting affections of all by the impartial application to purposes alike useful to all, of those funds, of which the State has at once the dominion, and administration. In a country, such, alas! as Ireland is, there would be no difficulty to discover such purposes; the only difficulty being to select from among many eligible, those, which would be most so. Such is the doctrine, not only of the very obscure and humble writer, but of the entire Irish Catholic Prelates and Priesthood, suc-

cessors though they be, and rightful heirs, too, of those who once enjoyed the entire property in question.

"One word more, Sir. The late Archdeacon received from the State compensation for his clerical services fully adequate to the entire receipts of the united Pastors of half this extensive Diocese. Now, I unhesitatingly assert, that obliged as I am, in common with all the Roman Catholic Priests, to sit in a cold damp chapel, without a spark of fire, from ten, to fourteen, hours a-day, during at least eight months of the year, occupied in the solemn, and salutary duty of auricular confession, hearing, and instructing, and consoling, and correcting, the humble penitent, I have thus done more laborious work in one year than the said Archdeacon during his entire life, prolonged as it was.

"Pray, respected Sir, pardon this trespass, and believe me to remain, with unfeigned respect, your very humble servant,

"N. M'EVOY, R. C. Rector.

He could not deny that these sentiments were perfectly natural. When the hon. Baronet (Sir R. Inglis) argued that the Church in Ireland was not a grievance, and talked to him of the apostolical age, he (Mr. Ward) must take the liberty of telling him, that so long as the clergymen of the immense majority of the Irish people could point to this scandalous anomaly in legislation, which left him to discharge his sacred duties neglected—distrusted—and vilified by a party press, yet risking his life, whenever fever visited his neighbourhood, at the bedside of his humblest parishioner, and passing his days in a chapel unlighted, unwarmed, and too often not half protected from the wind and weather—while he saw the whole provision made by his ancestors for the faith, to which he himself belonged, lavished by the State upon some member of a sinecure Church, who squandered it in the very wantonness of earthly luxury, it was in vain to think of reconciling the people of Ireland to such a system, or of convincing them that there was any legal, or moral obligation, that compelled them to submit to it. He was quite ready to admit that Archdeacon Lacy was an extremely kind, hospitable, liberal-minded man, and very much liked in his neighbourhood. It was of the system he complained, and not of the individual, whom nature intended for a fox-hunting squire, and whom our policy converted into a bad Archdeacon. But was this the system which the right hon. Baronet at the head of the Government wished to see perpetuated in Ireland? He thought not, from the tone of his speech on the Dissenters' Chapels Bill—a wise and useful measure, a measure most honourable to the Government—one, to which he gave his cordial support, and which he did not support by his voice, as well as vote only, because from the superfluity of arguments on one side, it was wholly unnecessary. But the right hon. Baronet could not have forgotten his speech on the blessings of religious harmony at Tamworth. He had drawn the picture of "a happy family" there. An Unitarian chapel in one corner of the cage, and a Roman Catholic in another, with the Established Church, according to the caricature of H. B., as the cat in the middle, keeping the peace between them. The right hon. Baronet should recollect, however, that he was not only the Representative of Tamworth, but the Queen's first Minister. Was Tamworth to be the rule, and Ireland the exception? Why not make his Tamworth principles co-extensive with the empire. [Sir *R. Peel*: "hear, hear."] He understood that cheer. The Established Church met with no opposition from the other religious sects in Tamworth. Why? Because it was the Church of the majority; but let him reverse the rule, and give the funds now properly appropriated to the use of the majority, to the Unitarian, or Catholic Chapel, and Ireland in miniature would be at his park gates within a fortnight. But we were told that there was a bar to any adjustment of this question by the act of Union, and the measure of 1829. He utterly denied the accuracy of such a statement. In 1829 the Catholics were never consulted. It was thought beneath the dignity of the English Government to do so, and the oath and the Act were both framed without their concurrence in any way whatever. If there was any compact at all, it was between the Tory party in this country favourable to Emancipation, and that section which was opposed to it. Such an arrangement could impose no such thing as a national obligation. As to the case of the Union, principally relied on by the Secretary for Ireland, it was infinitely stronger, for not only was there no compact against concession, but a distinct understanding—a distinct compact, he might say—that concession would follow. Every assurance that could bind

an honourable mind was given by Mr. Pitt to the Catholics, that, if they consented to the amalgamation of the two Parliaments, the first step of the United Senate would be to grant Emancipation. That Mr. Pitt was sincere, he proved by his resignation, when he was prevented from fulfilling this engagement. He meant the Union to be what it never was, not merely an incorporation of the two Parliaments, but an amalgamation of the two people; a virtual rescinding of the Act of Settlement, by the reconciliation of the House of Hanover with its Catholic subjects. Emancipation and the payment of the Catholic clergy were promised by Lord Cornwallis, and whoever looked at the Union debates would see that it was the general belief that both these concessions might be made safely. In the Address of the English House of Commons it was said that the Union was to be "complete and entire," and to be founded on "equal and liberal principles;" while Lord Grenville, speaking in the House of Lords on the part of the Government, distinctly held out Catholic Emancipation as one of the first, and most beneficial, consequences. "A free admission of the Catholics into the Irish Parliament," he said, "might lead to the subversion of the Constitution. They were too numerous—too powerful. They must be the preponderating influence, if they had any influence at all. But in the Imperial Legislature there could be no fear of any such preponderance. They would merge in the general mass of English and Irish Protestantism. In no other way could the animosities of these rival parties be allayed, or Ireland restored to perfect tranquillity." Lord Minto went farther. He rested, emphatically, the whole case of the Union upon the Emancipation of the Catholics. He assumed that it was only by an united Parliament that they could ever be restored to their political rights, or that laws could be framed for all classes of the King's subjects, in a spirit of equal justice and impartiality. He recommended, therefore, the introduction of an explicit Article into the Act of Union, recognising the claims of the Irish Catholics, and providing for them effectually; and when forced to withdraw this proposal, he used these remarkable words, "If any political peculiarities of the present time should render it impracticable to engross these wholesome provisions in the written treaty itself, he would rather repress his wishes for the immediate accomplishment of this most desirable end, than expose this great transaction to needless and unprofitable hazard by unreasonable pertinacity and impatience, and would be content to leave it to the mature deliberation and impartial judgment of the Imperial Legislature." These declarations were either sincere, or the most atrocious instance of political duplicity that ever disgraced a national compact. He, however, believed them to have been sincere, and that the "peculiarity of the times" was George III.'s madness, which induced his Majesty to part with Mr. Pitt rather than allow him to fulfil his engagements! And what was Mr. Pitt's conduct? He authorized the Marquess of Cornwallis, in 1801, to communicate to the Catholic Bishops the fact, that the Ministers had quitted His Majesty's service, "finding insurmountable obstacles to the bringing forward measures of concession to the Catholic body; but that they might with confidence rely on the support of all those who retired, and of many who remained in office when it could be given with a prospect of success. Mr. Pitt could not concur in a hopeless attempt to force on then, the consideration of the question, but he had retired from His Majesty's service, considering this line of conduct as most likely to contribute to its ultimate success." Yet there were men, up to the present day, who went to dine at Pitt Clubs, and prostitute the name of Pitt by coupling it with Protestant Ascendancy. Lord Feversham, the other day, boasted of his steady adherence to Mr. Pitt's principles, yet gave "Protestant Ascendancy" from the chair, and proclaimed "the legislative independence of Ireland to be indissoluble, while we adhered to that great fundamental principle to which we owed all the blessings enjoyed by the country." Mr. Pitt, at all events, thought there was a greater, and a better, principle—"religious equality." He looked to that, when he spoke of that "vision of peace, and conciliation, which Providence did not permit him to realise. He most firmly believed that nothing else could arrest that torrent of evil passions which had desolated Ireland;" and he said distinctly, in one of his replies to Mr. Sheridan, "I see the case so plainly," and I feel it so strongly, that no apparent or probable

difficulty, no fear of failure, no apprehension of loss of popularity, shall deter me from making every exertion to accomplish the great work, on which, I am persuaded, depend the internal tranquillity of Ireland, the general interest of the British Empire, and, perhaps, the happiness of a great part of the habitable world." "As to the Church Temporalities, it was notorious that the Fifth Article of the Act of Union, as first drawn, contained the words, 'Saving to the church of Ireland all the rights, privileges, and jurisdictions thereunto belonging;' and that these were altered into 'Doctrine, worship, discipline, and government,'" as they now stood, for reasons stated by Mr. Pitt himself, in his speech on the 21st of April, 1800, when he said,

"In the Union of a great nation with a less, we must feel that we ought not to be influenced by any selfish policy; that we ought not to be actuated by any narrow views of any partial advantage. We must refute by our own conduct the idea that we have any other object in view than that of promoting the mutual advantage of both kingdoms. We must show that we wish to make the Empire more powerful—and more secure, by making Ireland more free and more happy. These, Sir, are the views,—these are the only views,—with which I could ever have proposed this measure; and it is with these views alone that it can be rendered effectual to its object, and establish mutual harmony, and confidence between the two nations.' Upon the article relating to the continuance of the Church of Ireland, and of England, and of Scotland, he observed, 'I shall only say this upon so interesting a subject, that the prosperity of the Church of Ireland never can be permanent, unless it be a part of the Union to leave, as a guard, power to the United Parliament to make some provision in this respect as a fence, beyond any act of their own that can now be agreed upon. It may be proper to leave to Parliament an opportunity of considering what may be fit to be done for His Majesty's Catholic subjects, without seeking, at present, any rule to govern the Protestant establishment, or making any provision upon that subject."

But supposing that he (Mr. Ward) was entirely wrong in his argument respecting the Union,—that Mr. Pitt had never contemplated Emancipation, or the payment of the Catholic Clergy,—that Lord Cornwallis had given no assurances, and contracted no moral obligations, on the part of the Government,—still the present difficulty would remain the same, and he must now ask the right hon. Baronet how he meant to deal with it? The Church was the last remnant of the old system, and the right hon. Baronet clearly foresaw, many years ago, that the question could not be dissevered from Catholic Emancipation. He emancipated the Catholics with this full conviction. He said, that if they "had the passions and feelings of men, they would use their political power to remonstrate against it;"—"that natural right, and historical precedent were with them?" and that the Union with Scotland would never have been completed, but for the concession of equality in religion." How, then, did he now mean to deal with this difficulty? He was too clear-sighted, and too right-minded to be sitting there as a mere puppet, leaving agents to decide whether Ireland should be governed by law, or held by military occupation? Did he mean to give up all hope of conciliating and to fall back on the "No Popery" cry? He had a host of voluntary advisers, of whose counsels he was, perhaps, in happy ignorance, but with which he (Mr. Ward) was more familiar, because he was curious in such matters. There was a Rev. Gentleman often alluded to in that House, and on whom the Secretary for the Colonies had pronounced a glowing eulogium—he meant Mr. N'Neill. He was not now quite so important a person as he was four or five years ago, before the present Government came into power; but he was still a man of considerable local influence, and he exercised it largely in behalf of the two Conservative Members for Liverpool. Well! he found that the Rev. Hugh M'Neill, had been addressing the Liverpool Protestant Operative Association, so late as December 1843, and on this question which was headed, "Some instruction in Scriptural politics, or in other words in practical Christianity," he said,

"The Christian duty in this country has been grievously neglected; nay more, the principles on which it rests have been grossly and extensively violated; so extensively, that every estate in the realm, except the Crown, has lost its Christian character. Hence our troubles, hence our divisions, hence our dangers. I entertain as unfeigned a repugnance to penal statutes as any Liberal politician in the kingdom; but I confess that I am compelled to come to the conclusion that the British Constitution must be destroyed, unless some political disabilities be again imposed upon the Roman Catholics. The grand point is, an encouraged and protected Christ-

ian mission! Without this, with its appropriate results, there can be no permanent peace between the two countries."

That was one of the right hon. Gentleman's advisers. He did not think the right hon. Gentleman would act upon this advice. Then came another luminary, who wrote a work entitled: "Ireland: its Ecclesiastical estate considered with reference to its political troubles," "By one of the Priesthood." This gentleman whose name is Glover, describes himself as "long a resident in Ireland, and one who, after years of thought upon the subject, believes that the remedy proposed—not here to take higher ground—will not only answer the end designed, but it will, in truth, make all the theories which have been started by others for the amendment of the condition of Ireland, and the improvement of the relationship existing between it and other portions of the Empire, as practical, and practicable, as they are under existing circumstances, vain in the present and illusory in prospect." Mr. Glover then proves "that the agitation in Ireland, though political in its manifestations, has its root in religion." That the key to it is Episcopal rule. That all our difficulties may be traced to the fact, that there is now a two fold Episcopal rule; "one, the Catholic national witness for Christ, the other, the un-Catholic, anti-national witness for Rome;" and that until men can be brought to one mind on the subject of religion, "Ireland must still be a disgrace to itself, to England, to Christianity, to the world." "There are," he says, "two millions on one side, seven millions on the other. This is the great problem. How is it to be solved? By striving to make the seven millions as are the two millions; in other words, to render Ireland rightly religious and loyally contented; to make it, as it ought to, and we trust yet will be, the ornament—instead of the shame—of Christianity." Mr. Glover then affirms that the Catholic Church is a huge phantom, based upon popular credulity and priestly imposture; that it dates only from the 17th century; that the Protestant Clergy, or "priesthood of the national way," are the sole possessors of the due and unbroken order of Episcopal succession, and consequently "the true representatives of the Apostles, of the ancient bishops of Ireland in general, and since that is a point to be insisted upon, of St. Patrick in particular;" and he calls upon the Government to undeceive "the poor dupes of a false and unreal priesthood, authoritatively," by a Royal Proclamation to be published in English, Irish, and Latin, declaring the new religion against which they have been taught to rail, to be in very truth the old faith, not the less old or pure, because preached in the English language. There is hope, it seems, great hope, if the Government will only do its duty in Ireland, by telling the people which is the true Priesthood, for the "Irish Papist is not the same irrational being the English Dissenter is;—"he who chooses his own God, by exercise of his mere will, may, consistently enough, it must be admitted, ordain his own Priest. The Irish believe in a priesthood; in one priesthood, and not in any other, or in the efficacy of the ministrations of any other. They hold a right principle, however wrongly they apply it; for the men whom now they follow, they follow as, and because they think they are, the priesthood of God. Show them that they are not, prove to them that they are not, convince them that they are not—that they are, on the contrary, mocking them, cheating them, robbing them, — robbing them of their money, but, more than all, of their spiritual rights and rites, and the same men who now cling to them with cringing veneration, will be the first to incline to serve them as the Israelites did the priests of Baal." Yet Mr. Glover, a little ashamed, I hope, of this uncharitable suggestion adds—

"The reader is requested to believe, that he who writes this, loves or desires to love, all men; he pities Dissenters, whether Papal or Protestant, equally; and while he deplores their position, trembling for their deceivers who make gain to their bodies out of the souls of their dupes, he grieves over their error."

And as a proof of this, he purposes to open Maynooth College as a sort of *Refugium peccatorum,* to the dispossessed Catholic clergy.

"Morally speaking, they are utterly unworthy of all consideration;—but we spare them. And to show them how heartily even we feel towards them as men and fellow-citizens, notwithstanding the evil they have done and yet are doing us, we would smooth the way for them by which honourably to enter the priesthood; that is, by shewing them by reference to the case of the priesthood in 1549, the possibility of honourably conforming, and by promising ordination to such as

shall desire it; that so they might, by future good conduct as priests in holy church, make amends to man, while they atone, as best they may to God, for the evils that His church and His people, in the days of their ignorance, have suffered through their misguidance."

Sir, I doubt whether the plan of Mr. Glover will appear more practicable to Her Majesty's Ministers, than that of Mr. M'Neill. I doubt, whether the right hon. Baronet, the Home Secretary, will put the slightest faith in the conversion of Ireland by a Royal Proclamation in three languages with his name at the bottom; and I, therefore, again ask the First Lord of the Treasury which he means to do? Will he adopt the suggestion of the noble Lord, the Secretary for the Colonies, and put by law, a more stringent interpretation upon the Catholic Oath? Will he deny to Catholics the right of supporting reforms in the Protestant Church in Ireland, even when proposed and recommended by Protestants? Does he mean to fall back on the Catholic Declarations of 1757, and 1792? Can he forget that they were conditional, and that the conditions on our part, were never granted; In 1757, the Catholic Petition was absolutely scouted; and in 1792, Lord Westmoreland refused to receive the Petition from court, because it expressed a hope that some further relaxation of the penal laws would be conceded, though in the very next year he was compelled by the advice of Mr. Pitt to carry a much larger measure of relief, which the world attributed to the Victories of Dumourier? Did the right hon. Baronet mean then, to adopt the suggestions of Mr. Montgomery Martin—[Sir *R. Peel*: I don't know what they are."]—a man, by the way, who came over to London to set up a Repeal Newspaper, with a subscription from Mr. O'Connell in his pocket, but who now proposed to punish with banishment and the confiscation of his property every man who avowed himself a Repealer? Or lastly, did the Government rely upon the issue of the State Trials, for the tranquillization of Ireland? Was it satisfied that it had secured peace by its momentary triumph over the "convicted conspirators?" There could not be a more unsafe prop to lean upon. Sir, I have watched closely the state of feeling in Ireland since Mr. O'Connell's confinement, and I see nothing but a deep, sullen, dogged feeling of dislike to England, and distrust of her justice. There is a general belief that if Mr. O'Connell were an Englishman, and had been tried in England, he would have been acquitted: That he is in prison, because he is an Irishman, and was tried in Dublin, I see no signs of discouragement or despondency on the part of the Repealers;—no disposition to ask unworthy favours of the Crown, even in order to obtain the release of a man, whom in spite of some faults—and I do not believe that he has greater faults than any other man would have had, who had taken an equally prominent part in so long a political struggle—History will rank as perhaps the most eminent man of his age and country. Sir, such feelings as these, awaken deep resentments and strong sympathies. I have no fear of any immediate outbreak—there will be no violence—no disturbances. The Irish bide their time, but let there be a war in Europe, and unless their present feelings can be changed, the struggle will be not for Repeal, but for Separation! Well, Sir, the sympathies of Ireland are not with us. Are those of Europe? No! Ireland is our Poland, and what we feel for the Poles is felt for the Irish upon the Continent. Look to every organ of public opinion, not merely in Catholic Belgium, or Catholic France, but in Protestant Prussia, or Switzerland, or Saxony, and you will find that those most inclined to wish us well, are most earnest in urging upon us a total change in our Irish policy. The wisest essay on Irish affairs that I ever read was one published lately in the Bibliothèque Universelle de Génève; and it pronounces the position of England, as regards our Catholic subjects, to be absolutely untenable. In Prussia there is the work of Venedey exciting an absolute horror of our Irish policy. No wonder. They cannot understand our miserable inconsistencies—our broad principles—our pusillanimous practice. They see us enacting ignorance for half a century in the name of a Reformation whose boast it is to have substituted rational conviction for blind belief, in religious matters;—robbing the conquered Catholics by *ex post facto* laws, of rights, which every German has enjoyed since the Peace of Westphalia? What was the Peace of Westphalia? Why is it never named except with reverence and affection by any German writer? Its territorial arrangements have been scattered to the winds by the decay of old powers and the rise of new, but no time can rob Germany of its one great

boon—religious peace founded upon religious equality as citizens. How can they sympathise with England in its exclusive policy, or in supporting exclusion by a code so cruel, that Judge Jebb remarked of it, " you might track Ireland through the Statute-Book like a wounded man through a crowd—by blood!" They see us at once profuse and niggardly, voting 800,000*l.* a-year for the emancipated blacks, and haggling here about an annual vote of 8,000*l.* a-year for the Clergy of seven millions of emancipated Catholics. Risking peace—strength—respect abroad —tranquillity at home—the integrity—aye, the very existence of the Empire—rather than do that which the right hon. Baronet himself twenty-seven years ago, pronounced to be inevitable? How can they respect principles of action at once so puerile, and so iniquitous? The King of Prussia lays the first stone of the Catholic Cathedral at Cologne, amidst the acclamations of his Protestant subjects. The Queen of England cannot admit a distinguished Catholic to her Councils, without Liverpool and Exeter Hall, denouncing her as a Jezabel. I call upon the House to put a stop to these anomalies, as discreditable as they are dangerous. I pledge no man by this vote to a specific plan. I ask simply a pledge that the question of the Irish Church shall at last receive from the Commons of England, in all its bearings upon Irish rights, Irish wrongs, and Irish liberty, a calm and dispassionate investigation. It is the root of Irish discontent—let it become the cradle of Irish tranquillity, the pledge of a reconciliation, which can no longer be deferred without the utmost peril to our existence as an Empire. Sir, we may depend upon it, Ireland will have her rights, but it is still within our power to say whether she shall derive them from our justice, or from our humiliation.—I say, let justice concede what no power can permanently withhold. There is but one way to avert Repeal, and that is, to consummate in time the great act of religious and national emancipation.

Lord *Eliot* had stated on a former occasion his reasons for resisting such a Motion as the present; but he considered it his duty to make some remarks on the speech of the hon. Gentleman. The hon. Gentleman's speech was not so explicit as that which he made last Session. He only asked for a Committee, which could lead to no practical results. The hon. Gentleman's whole argument amounted to this, the Protestants bore a small proportion to the population, therefore the Temporalities of the Church should be taken from them. He admitted his premises; he denied his conclusions. He contended it was not a mere question of numbers. No one who had listened to the eloquent and admirable speech of the right hon. Member for Edinburgh upon the Dissenters' Chapels Bill, could have forgotten the exposition which he gave of the importance of prescription. No one who heard it could avoid believing that prescription was of the weight which he attributed to it. It was a principle recognized by the laws of ancient Greece and Rome, and by those of all the most ancient states of the East, as well as by the jurisprudence of modern Europe, and every one must be satisfied this was a principle which ought not to be lightly treated; but with reference to this subject they had other grounds to go upon independently of prescription—they had in support of the Church Establishment the sanction of the Legislature. The hon. Member referred to the Act of Union, and to the Act of 1829; but in his reference to the Act of Union he omitted to refer to the 4th article of the Treaty of Union, in which there was a special provision made for the presence of four Irish Spiritual Peers in the Imperial Parliament. That article of the Treaty which the hon. Member omitted to allude to was of great importance, as showing the light in which the Protestant Church of Ireland was then looked upon. He had also stated that Mr. Pitt had altered certain words in the Act of Union as it was sent from Ireland—that Mr. Pitt had substituted for the words jurisdiction and privileges, which were the original words, the words Government and discipline; but when the hon. Member stated that, he did not succeed in showing that Mr. Pitt entertained any intention of interfering with the Church Establishment. It would be impossible to infer from that substitution of words that there was any intention to interfere with the Established Church in Ireland; and if any argument were required to show that, he might mention that in reference to the Church of Scotland, on a former occasion, the words doctrine and discipline of the Church of Scotland were used, and no one ever said that there was reserved any disposition to alienate the revenues of the

Church of Scotland and appropriate them to the Episcopalian Church, or that such an alienation and appropriation would not be a breach of the Act of Union. In order to indicate the view which was taken of the subject of alienating Church property in Ireland at a former period, he should advert shortly to a speech which he had happened to read on that day, which had relation to the subject. In 1811, June 11, Mr. Parnell, in bringing forward his Motion on the subject of Irish tithes, said:—

"It may, I know, be said, that if the concession which is now sought for is given, the people will not rest satisfied, but go still further, and further, and further, till they have destroyed the Established Church; but if this argument shall be made use of on this occasion, I should be inclined to reply that the Protestant Church of Ireland is fully secured from all such attempts by the Act of Union, not merely by the letter of it, which declares it to be one and the same as the Church of England, but by the very nature and essence of it. This measure was proposed by Mr. Pitt for the avowed purpose of obtaining two great objects, the first the advancement of the power and the security of Great Britain by a union of the two Legislatures; the second, the remedy of the defects of the internal system of Ireland. These defects were, on the one hand, an Establishment of Church and State for the exclusive benefit of one-tenth of the people; and on the other, a people deprived of their constitutional rights through fear of the concession of them being detrimental to the Establishment. To remedy these defects, Mr. Pitt proposed the Union, by which the Establishment was to derive the security by consolidation with the Protestant Establishment of England; and the people were to be placed in a condition which would enable the Legislature to concede to them their constitutional rights, and redress of the grievance of tithes."

That was the opinion of Mr. Parnell; that showed the opinion which he held with respect to the objects that Mr. Pitt had in view, and he concurred in that opinion. Indeed he could not remember to have read in all the debates on the Union any indication of an intention either of the Government or of any party in Ireland, to destroy or weaken the Protestant Church in Ireland. The Legislature of Ireland was, at that time, exclusively Protestant, and he was satisfied that no attempt would have been successful in carrying the Union into effect, unless the Legislature were firmly persuaded that the Protestant Church would not be interfered with—unless an assurance had been given that the Church Establishment in Ireland would not be touched, the Legislature would not have been at all likely to agree to that measure. With regard to the Act of 1829, there could be no doubt that it was either understood or implied that the Protestant Church of Ireland was not to be touched—that it was not to be weakened or overthrown. It might, indeed, be said, that the Catholics of Ireland had made no such compact, as a condition of the Act of 1829. If there had been no such compact made by the Catholics, he would ask, were not the opinions which had been expressed by the most eminent of the Catholic hierarchy to be admitted as possessing any weight? Was not the testimony of the Catholic Peers and of the Catholic hierarchy before the Committee of 1825 deserving of the greatest weight and attention. Those individuals did not entertain any idea of touching the Protestant Church Establishment; they all, lay and clerical, concurred on that point. All the Liberal Members of that House were of the same opinion; and their concurrence, he might say their unanimity of opinion was relied on by the Parliament and the people of this country, when they agreed to the Act of 1829. He was satisfied that all the exertions which were made in favour of the Catholics would have been unsuccessful, if it had not been for the feeling which such an unanimous opinion produced, that the Irish Protestant Church Establishment should not be interfered with. When the hon. Member for Sheffield introduced this subject on a former occasion, he had, in reply to it, quoted the speeches of several Gentlemen, in order to shew the opinions formerly held with respect to the Established Church in Ireland; and as he had then gone at such length into that portion of the subject, he should not now again refer to those speeches; but there were two important speeches to which he had not directed attention on the last occasion when this question was discussed, and which he should now advert to as shortly as possible. The first of these was the speech of Grattan on March 4th, 1823, on Mr. Hume's Motion with respect to the Irish Church. Mr. Grattan then said—

"Inquiry was certainly necessary; he should, therefore, support the Resolutions, without agreeing in all the doctrines advanced by the hon. Mover. He should never support any principles of spoliation; but he was of opinion, that the officers of the Church in Ireland, and its revenues, ought to be regulated. By the present system, Ireland had been made a Catholic country; for there were not now

more than 400,000 or 500,000 Protestants in Ireland." *

In 1824, May 6, also upon Mr. Hume's Motion on the same subject, Mr. Plunkett said—

"The hon. Gentleman who had introduced this Motion had consumed the greater part of the time which he had felt it proper to devote to its support, not in the discussion of the merits of the Protestant Church of Ireland or her clergy, but of those of the Roman Catholic priesthood; and really when the hon. Gentleman coupled the expression of his approbation of that priesthood with the exposition of his plan for pulling down the revenue of the Protestant Church in that country, and of transferring and delivering it into the hands of the Roman Catholic hierarchy (for such was the scope of the proposition), the House would give him leave to say that he deprecated the hon. Gentleman's advocacy of their cause more than he should lament his hostility to it. For himself he had ever been, and to the last hour of his life should continue to be unalterably the advocate of his Roman Catholic brethren; but in doing so, he would ever respect established rights and recognised institutions, and while he vindicated the claims of the Catholics, he should carefully abstain from offering any wrong to the Protestant Clergy—any encroachments on their property—any aggression on their sacred functions. . . . The hon. Gentleman evidently thought that Parliament were at liberty to deal with the property of the Church exactly in the same way as if it were a tax on any other property of the State, and this opinion he grounded upon a supposition of public necessity. Now, that the property of the Church might not be interfered with, as well as the property of the State, in a case of public necessity he would not assert. But be it observed, that upon the same principle, the private property of every man in the kingdom was equally liable. He knew very well that both the property of the Church, and the property of individuals must yield to the exigencies of the State—to those the property of the hon. Gentleman himself, as well as of every other Member who heard him, must give way; but he would maintain the property of the Church was as sacred as any other."†

These were the opinions of Mr. Plunkett, subsequently Chancellor of Ireland and Lord Plunkett, and they fully bore out the view which he (Lord Eliot) took of the intentions of those who advocated the claims of the Catholics at that period; and having referred to those speeches, he was sure it was scarcely necessary to quote Mr. Canning's speech on the same subject which had been already frequently quoted; neither was it necessary for him to refer to the noble Lord opposite (Lord Palmerston) to bear him out in saying that Mr. Canning would not have consented to such a measure as Catholic Emancipation if he were not sure that it would not interfere with the property of the Protestant Church Establishment in Ireland. If there could be any doubts as to the view which had been taken of the subject previously to the Act of 1829, the speeches which he had alluded to would show them; but there was still another speech to which he wished to direct the attention of the House, namely, the speech of Lord Althorp, when an Amendment was made upon his Motion to give an additional Member to the Dublin University. In speaking upon that Amendment, Lord Althorp said;—

"He did not think that Government could fairly be accused of keeping up the exclusive system in Ireland, by conceding an additional representative to the University of Dublin. He would fairly and candidly confess that he thought that a member should be given to the University, on the ground that it was an exclusively Protestant body, because although it might be very well not to have an exclusively Protestant representation for Ireland, it would be the height of injustice not to guard against the preponderance of an interest at variance with that of this Established Church. He hoped that hon. Members would give their support to the Government in the event of a division, for he thought it very essential to the success of the Bill, that no alteration should be made in it which might have a tendency to injure the establishments of the country."*

That was the language of Lord Althorp, in 1832, only three years after the passing of the Catholic Emancipation Act; and from that speech it was quite evident that the noble Lord and his Colleagues could not, with such views, agree to any transfer of the property of the Protestant Church to the Roman Catholics. The hon. Member for Sheffield had during his speech frequently referred to the byegone history of the maladministration of the Government of Ireland, and the appointment of offices in the Church of Ireland of men who, if they were not a disgrace to that Church, had not duly and efficiently discharged their duty. It appeared to him that the objections which the hon. Member made did not cast blame so much upon the system which had been in existence, as upon those by whom the system had been administered. In fact the hon. Member had himself admitted that at the

* See Hansard, vol. viii. (New Series) p. 409.

† Ibid vol. xi. p. 570, 571.

* Hansard, Vol. xiii. (third series) p. 607.

present day no such complaints existed as those to which he had directed attention as having existed in former days, and that the members of the Church in the present day were an excellent body of men, and very different from those to whom he had alluded. The hon. Member dwelt at some length upon the case of Archdeacon de Lacy, but he did not think that it was an example of the conduct of the class to which that gentleman belonged. It appeared, however, that Archdeacon de Lacey was a very charitable and beneficent man, although somewhat eccentric in his character; and, in addition to his income from the Church, he had considerable private property. It was true, indeed, he had a larger stock of horses and other animals than clergymen usually possessed; but he had also a large private property, and was a very charitable man to all the poor around him, spending, in fact, a great portion of his income in acts of charity. The hon. Member had misunderstood what he had said on a former occasion with respect to the feeling which Roman Catholics might entertain on the subject of the Act of Settlement guaranteeing that a Protestant Sovereign should occupy the Throne of this country. What he said was, that the Protestant character of the State made it an essential consequence, that so long as the Act of Settlement was in existence, the Lord Lieutenant of Ireland, the Regent of the Kingdom, and the guardian of the person of the Sovereign, should be of the Protestant faith; and so long as the Act of Settlement was in existence, that distinction between Catholics and Protestants in that respect must exist; so that if the Roman Catholics believed that the Protestant Church of Ireland was a badge of inferiority, they must also look upon the Act of Settlement as a badge of inferiority. That was all he had said on a former occasion, and he still maintained that the character of the Constitution of this country was essentially Protestant; but although the Act of Settlement might be said to make that distinction, yet he did not suppose that any hon. Member would come forward and propose to repeal the Act of Settlement. There was one view in which the residence of the Protestant clergymen in Ireland must be looked upon as very advantageous. Absenteeism had been very much complained of in Ireland, and under those circumstances the residence of a body of men, eminent as the clergymen of the Church Establishment were for piety, and virtue, and charity to their poorer neighbours, must be looked upon as calculated to do a great deal of good. That charity which the property of the Protestant Church of Ireland allowed them to dispense, was of very great advantage to those around them in want of such assistance, and there were none who received more benefit from it than their poor Roman Catholic neighbours. With regard to the disposition of the property of the Church Establishment in Ireland, the Roman Catholics, and particularly the Roman Catholic clergy, repudiated the idea of their Church obtaining any benefit from the revenues of the Protestant Church Establishment; so that it appeared to him they were desirous merely to take it away from its present purposes, and not to apply it to their own. [Mr. *M. O'Connell:* And apply it to secular purposes.] So much benefit had been conferred by the residence of clergymen of the Church of England, that he knew instances where regret was expressed by Roman Catholics at the abolition of dignities of the Church Establishment in consequence of the habit of the resident clergy of dispensing hospitality and charity amongst the poor in their neighbourhood. With regard to the proposition of a State provision for the Roman Catholic clergy, whatever might be the opinions as to that, it was not now the time to go into the subject. However he might think that this country as a Protestant State could not establish the Roman Catholic faith as an integral portion of the State, yet he was favourable to the endowment of the Roman Catholic clergy; but it was impossible to entertain that question now, as the Roman Catholics, and particularly the clergy, had absolutely stated that they were opposed to any such endowment. Whether they looked to the rights of the Church Establishment being held now so long—whether they looked upon it as sanctioned by the Legislature—it was evident that many assurances had been given to this country, that in the event of Parliament consenting to Catholic Emancipation, there would be no attempt to interfere with the Church Establishment; and whether they looked at it with regard to public expediency, and to the advantage of having men of education and virtue living in the most remote and secluded districts of Ireland, or to vested rights and to prescription, they would find that to alienate any portion of the revenues of the Protestant Church Establishment, and to apply it to any other than Church purposes, would be

unjust and inexpedient. He (Lord Eliot) saw no reason why he should agree to the Motion. If discussion were the object of the hon. Member, he had attained it by bringing the question before the House. It was a proposal which would encourage expectations that Parliament he trusted would not bear out, and he called on the House to express its opinion on the Motion by rejecting the proposition by a large majority.

Mr. *Ross* could not believe the Protestant Church could suffer from any alteration with respect to its temporalities in Ireland. He was of opinion that it was indicating a very poor opinion of the Reformed Church, and of her principles, to suppose that she could be injured by any such change. He was a Protestant; he was as much a Protestant as any man in the House who heard him, as far as protesting against what he conceived to be the errors of the great majority of his fellow-countrymen; but he did not hold that his faith depended on the endowments of the Church, and he believed that if all her endowments were swept away, it would not affect the faith or spiritual condition of the Church, for he did not see any necessary connection between her emoluments and her doctrines. It was said that the question of the Church Establishment was one which did not affect the pockets of the Irish people, for the landlords paid the whole amount; but he did not agree in that statement, for pressure must necessarily come upon the tenants. It had been also said, that the property of the landlords who were of the Protestant Church contributed principally to the support of the Church; and that therefore it could not be a grievance on the Catholics; but that was not the fact, for the Protestant landlords could not make any more special claim than the Catholics to the property which had been granted to the Church. If it were true that the property was possessed by the Church distinctly, what then became of the statement that the Protestant landlords supported the Church, and not the Catholic tenants. But he was prepared to maintain that if the pockets of the people were not at all affected, there were other objections to the present position of the Church Establishment. One objection to the Motion of the hon. Member for Sheffield was, that it had been canvassed again and again, and it had also been said that he had not proposed anything specific by his Motion. Now, to that he would answer, that it appeared to him a more suitable course for the hon. Member to bring forward the Motion, and leave the Government to propose anything specific which they thought proper, with a view to provide a remedy for the existing state of things. There was one great original error in relation to this subject to which he traced all the misfortunes of Ireland—it was an attempt to force upon the people of Ireland a faith which they did not entertain. It had indeed been said by a noble Lord, that the Irish clergy accepted the Reformation; but without arguing that question, he would say, that whether they accepted it or not was of little consequence, so long as the people did not accept it; for the clergy were no more the church than the servants were a family, and the people of Ireland had always stood firm in supporting their own opinions. Governments should always remember, that the less Cæsar meddled with the things belonging to God the better. It was high time for the House to turn its serious attention to this subject. It was true that the Irish people would, there was every reason to hope, attend implicitly to the directions they had received to remain tranquil, and abstain from tumult; but the British Legislature would do well not much longer to strain the patience of that people, or they might have reason, when too late, to regret, deeply regret, that they had not attended to the advice given them by the hon. Member for Sheffield.

Mr. *Shaw* said, the hon. Gentleman who had just sat down (Mr. Ross) had concluded by expressing a hope that did not seem likely to be realised—at all events, during that debate—namely, that the House would devote their attention to the subject of the Church in Ireland. There was evidently a weariness and inattention pervading both sides of the House, probably arising out of the same subject having been so frequently discussed, and the certainty of the rejection of the hon. Member's Motion; but still he would entreat their indulgence for a short time, and he would confine himself principally to facts. The hon. Member for Sheffield had on that night, as on former occasions, led the attack upon the Irish branch of the Established Church. He as the representative of a constituency containing a large portion of the Irish Clergy, did not hesitate, and did not fear to enter the lists with the hon. Gentleman; confident,

however, only in the truth and justice of the cause of which he ventured to come forward as the humble defender. The tactics of the hon. Gentleman and the other assailants of the Church had been considerably altered in the last and the present Session, and he was glad of it—

> "The open foe might prove a curse,
> But the pretended friend was worse."

The former professions of regard for the Church's welfare were now laid aside. The mask of friendship was removed. It was no longer a question of degree—a consideration of "the more or the less"—they heard no more of Surplus or Appropriation Clauses. The Reform that had been avowed was boldly put forward as the destruction that had been intended. Things were called by their right names—and the issue tendered to the House and to the country was the simple alternative whether, after a possession of 300 years, the Protestant Church in Ireland was to be subverted, and her property confiscated?—or whether, in the fourth century after the Reformation, the Imperial Parliament was to sever the Reformed Religion from all connexion with the state in Ireland, and to establish the Roman Catholic Church in its stead? The hon. Gentleman had promised to be, and he had been, very plain and candid. The hon. Gentleman had last Session, as that night, advised him not to haggle for terms, or that he would not get so good again. He would be as plain and candid in return, and tell the hon. Gentleman that he did not desire to see the Church a haggler for any terms, but that she should take her stand upon the high ground of truth and right. So far as he might be considered on that occasion as her humble representative, he would not treat with the hon. Member for Sheffield as a negotiator in her behalf. He had heard the hon. Gentleman's terms, and in the name of the Church in Ireland he utterly and indignantly rejected them. He would not follow the hon. Gentleman through his long and elaborate and carefully got up history of the Irish Church from the Reformation to the period when the hon. Gentleman himself was constrained to admit the whole character and conduct of that body had been altered. At the time to which the hon. Gentleman had directed his observations there were, perhaps, no Churches in Christendom—and certainly the Church in England was not one of them—which would not exhibit some circumstances, or the conduct of some of their individual Members which, if raked up for the purpose, would reflect discredit upon the religion they professed. That part of the speech of the hon. Gentleman he considered to furnish the best answer to itself; for if the misconduct and the worldly-mindedness of the heads of the Church were then such as the hon. Gentleman had described, that would sufficiently account for what he had designated its failure in Ireland—without attributing it to the grounds upon which the hon. Gentleman had so anxiously laboured to place it—and he was willing to admit that it was chiefly owing to the mal-administration, mismanagement, and neglect of the Irish Church after the Reformation that what he believed to be the purer and truer faith of the Reformed Church had not won more converts from the Roman Catholic body. The hon. Gentleman said that he had last year questioned the facts of his history—the House having been counted out, he had but little opportunity of doing so—and there was only one remarkable instance in which he recollected he had asked the special leave of the House to allow him to contradict one of the historical facts stated by the hon. Gentleman, viz.—that up to that time no Prayer-book of the Church of England had been printed in the Irish language—whereas, the fact was as he then stated, that in the year 1571 a fount of Irish types having been for the first time introducted into Ireland, by Walsh (Chancellor of St. Patrick's Cathedral, and afterwards Bishop of Ossory), who

> "Obtained from the Government an order that the Prayers of the Church should be printed in that character and language—and a Church set apart in the shire-town of every diocese where they should be read,"

The Prayer-book was the first book ever printed in Irish—as appeared in Mant's History of the Church of Ireland, vol. 1, p. 293—and the Society for promoting Christian Knowledge had circulated thousands of copies of the Prayer-book, in Irish, within the last twenty-years. Then the hon. Gentleman referred to the case of Archdeacon de Lacy, saying it was a part of the system of the Church which he totally denied; it was a very peculiar exception—an old gentleman having a large private fortune, which he spent according to his own fancy, giving as he

believed, the entire of his clerical income to the poor. One of the old gentleman's peculiarities was, to keep an immense number of cows; but the use he made of them was, to supply milk gratuitously to the whole poor of the town of Kells, near which he resided. He would neither defend the Union, which had since been dissolved—nor yet put forward the late Archdeacon as a model for clerical imitation; but this he would say, as, indeed, he understood the hon. Gentleman to admit, that the Archdeacon was a gentleman of the kindest and most liberal disposition, living on his benefice and dispensing bounty to all around him with an unsparing hand—having peculiar means to do so, from having come into possesion of a private fortune, which had since passed to his heir. Then, as to the auction bill, which some neighbouring Roman Catholic clergyman had thought it worth while to send to the hon. Member, and which the hon. Member expected would produce a great effect upon the House—why, no doubt, after the death of the Archdeacon, it was drawn up in the best autioneering style, perhaps by the renowned Mr. Robins, or else, by some Irish ape, who could as well describe the Spanish ass. The Roman Catholic priest could have mentioned Members of his own order, at least as fond of greyhounds and hunters—and as regarded the Church, the answer was, the Union was now separated, and there were two incumbents where one had been. The hon. Gentleman himself admitted the great improvement in the Church within the last twenty years. With the permission of the House, he would shortly state the present circumstances and condition of the Irish branch of the Established Church, proving thereby that the improvement was much greater than the hon. Gentleman allowed—that the laws then in force were carrying all friendly reform to its utmost extent—and that great injury and grievous wrong would follow, and imminent danger to the Church and State both in Ireland and that country, if the proposition of the hon. Gentleman was for one moment to be countenanced by them. First, he would say, that whatever hon. Gentlemen on the other side urged on the score of abstract theories and mere points of honour, no reasonable man could contend that the Church in Ireland, under its present circumstances, and the altered state of the law within the last ten years, was a practical grievance to the occupying tenantry or Roman Catholic population in that country. His noble Friend (Lord Eliot) had truly stated that they did not contribute one farthing to its support. For the sake of peace, the Church had consented to pay the Church-rates from its own property; and he might observe, that he had not opposed any part of the Church Temporalties Act, except the suppression of the ten Bishoprics, which he thought had been an injury to the Church and the localities where they had resided, without having benefited or pleased any one. And when the hon. Gentleman compared the number of Irish with the number of English Bishoprics, did the hon. Member or would any Churchman seriously contend, that it would not be a great advantage to the English Church, if it were possible, to increase her Bishoprics, seeing that many of the dioceses were so extensive as to render it impossible, within the compass of human strength, for any one Prelate to afford them adequate episcopal superintendence. The clergy had voluntarily relinquished a fourth of their income in consideration of the landed proprietors, nine-tenths at least of whom were of their own persuasion in religion, assuming the responsibility of the payment of the remainder; and the consequence was, that all the trouble or annoyance or loss, such as they might be, of the collection on the one hand, and the pay menton the other, was transferred from the occupier, generally a Roman Catholic, to the landlord, generally a Protestant, and all pecuniary dealing between the Protestant clergy and the Roman Catholic population entirely put an end to. He fully admitted to the hon. Member for Belfast (Mr. Ross) that it was not out of the landlords' property the landowner paid the clergy. The title of the Church to their own property was paramount. It belonged to the Church by law established in connection with the State, the State having the power, in the nature of a trustee, to control and regulate that property for the benefit of the rightful owner; but the State had no right, even though it should use the might, to alienate any portion of that property to other than ecclesiastical purposes. With regard to the amount of present revenues of the Church in Ireland, he did not materially differ from the hon. Gentleman. His object was perfect accuracy, without either

adding to or taking from the real property of the Church. Death and other changes from time to time must make some alteration, according to the moment the return was taken, and the hon. Gentleman had confounded the gross with the net income. He (Mr. Shaw) had allowed the deductions made by the Ecclesiastical Commissioners in 1837 — for he considered the present Ecclesiastical Commissioners had cut them down too low against the clergy, and particularly in not allowing poors' rates imposed by an Act of Parliament; and in the light he (Mr. Ward) viewed Church property, that was, for the sake of transferring it to other objects, he clearly must only deal with the net available income. Still it was gratifying to him that upon that fact of figures there was no substantial disagreement between them. To begin, then, with the income of the beneficed clergy. He made their net income 320,350*l.* 19*s.* 10*d.* The entire income of beneficed clergy and their assistant curates taken together, he made 377,050*l.* 12*s.* 5*d.* He had likewise taken an account of the entire future Church property, when every source should have been realised, including the perpetuity purchase money, and that was taking it at the greatest disadvantage to the Church; be allowed, in round numbsrs, for the permanent reduced Bishoprics, about 60,000*l.* a-year; the clergy 370,000*l.* the balance of deans and chapters ultimately remaining at 20,000*l.*, and the ultimate property of the Ecclesiastical Commissioners applicable to the building and repair of the churches, in lieu of the former Church cess, as calculated in 1836 by Mr. Finlaison, at about 100,000*l.* a-year, making in the entire as the total future church property of every description in round figures, as nearly as possible, 550,000*l.* a year, that being the entire charge for the care of the churches, things requisite for the celebration of divine service, the maintenance of twelve bishops, and the support of about 2,200 clergymen ministering to the spiritual wants of their own communion; and as the best and almost only resident gentry in the remoter districts of the country, administering to the temporal necessities of the distressed and destitute of all creeds without distinction. The average income of the benefices being about 320,000*l.* amongst 1400 would be as nearly as could be 225*l.* to each beneficed clergyman; and the curates included, the income would be about 370,000*l.* amongst about 2,200 clergymen, leaving them an average income of about 170*l.* a year. He hardly thought it could be said that this sum was too much for an educated gentleman and his family; and he could show there would be in the end no undue inequality of income. A uniformity of income he would not approve. He believed the hon. Gentleman to have considerably underrated the members of the Established Church. The Commissioners of Public Instruction returned them at 851,064. There was a prejudice against the commission and the inquiry at the time, and many did not make the return. Some of the Wesleyan Methodists considered themselves as belonging to the Church, and such only, he apprehended, had so returned themselves; and from the best sources of information be estimated the members of the Established Church at above 1,000,000, so that the average would be about one clergyman to 500 persons. As regarded the present condition of the Church in Ireland, they heard, indeed, charges brought against the Irish clergy, as rich unionists, plethoric pluralists, bloated sinecurists, non-residents, and so forth. Now, in all these respects he was bold to affirm that the Irish Church would bear a favourable comparison with any church in existence. As to unions, he would not weary the House with a detailed enumeration of the various statutes by which they were in progress of dissolution. Suffice it to say that under the Church Temporalities and other Acts, the Lord Lieutenant and Privy Council were empowered not only to separate all Unions, but to deal with every living above 800*l.* a year, and distribute them as they thought fit. Since the passing of the Act of 1833, fifty-three Unions had been dissolved. In a few years no Unions would remain that it was practicable and desirable to dissolve; but in some cases it was not so. In the city of Cork, for instance, there were parishes under ancient divisions—so small, that one consisted of the ground on which a single sugar-house stood, another of a distillery. There were parishes wholly inappropriate that paid nothing to an incumbent—others, from particular exemptions, scarcely anything: in such instances the bishops were obliged to unite these with parishes paying tithe or now rent-charge. But, while the Church was taunt-

ed with such Unions, they were among the poorest and most laborious benefices. As to sinecures, a single one would not remain; fifty had been abolished since August, 1833. All pluralities were abolishing as they became vacant, and the present Primate had not granted a faculty to hold one since 1828; so that they were fast dropping in, and thirty-two had been removed since the Act of 1833—eighty-one only existed in all Ireland. Non-residence, without absolute necessity, he hoped would soon cease to exist, as it was every day becoming less. In the 389 incumbents returned by the Commissioners in 1837 as non-residents, there were included great numbers who could not procure residences on their livings, but resided close to them and performed the duty; others, dignitaries and incumbents, who resided and did duty on other benefices, and these would all drop in. Out of 345 so reported, there remained but 109 now actually non-residents, and of these the greater number were absent from illness or other unavoidable cause. He had learned this striking fact—that in the diocese of Armagh, the third Report on Ecclesiastical Revenue returned sixteen out of eighty-nine beneficed clergymen non-residents; while there was at present but one out of ninety-eight non-resident, and he resided on another benefice under a very old faculty. In the dioceses of Ossory, Ferns, and Leighlin, fifty out of 180 had been returned as non-resident, and there were at present but twelve, or rather seven; for, five out of the twelve did duty elsewhere. When he (Mr. Shaw) had spoken of the average income of the Irish clergy, he said that the inequality of income would not, after the Church Temporalities Act had come into full operation, be greater than the necessary gradations of such an establishment required; in corroboration of which he would then remark, that of ten benefices returned by the Commissioners as above 2,000*l.* a year, he found upon investigating the particulars that they had already been reduced on an average about one-half—that they would be still much reduced on the next avoidance. He knew a living accepted by a fellow of Trinity College which had been rated at 1,800*l.* a year, now reduced to about 800*l.* A gentleman of information and great accuracy, who had examined the ten suppressed Bishoprics for the purpose, found that there was but one benefice among them in ecclesiastical patronage that exceeded 800*l.* a year. When the Church Temporalities Act had its full force there would not remain one living in Ireland worth 1,500*l.* a year; and he did not believe there would be ten so high as 1,000*l.* It was alleged that the Church in Ireland had no support within itself, and was merely kept up by the factitious aid of the State; but so far from the endowments and public revenues of the Church in Ireland being larger than were requisite, private voluntary subscriptions were had recourse to, and freely given in Ireland to meet the wants of the Members of the Church with respect to Church accommodation and additional clergymen. Thus, in the diocese of Armagh, fifteen new churches had been lately built by private subscriptions. In the diocese of Down and Connor, twenty-two churches had been lately built by private subscriptions. In the diocese of Dublin, seventeen churches had, within a few years, been built by private subscriptions; and in every diocese a great number of school-houses were licensed by the Bishops for performing Divine Service, in default of there being churches for the accommodation of the people. It appeared, from a return made by the Ecclesiastical Commissioners, in the month of March last, that since August, 1833, there had been in Ireland 181 churches built or rebuilt, fifty-six of which were by private funds, and sixty-five churches charged. The sum contributed by private societies and private individuals for the building and enlarging of churches in Ireland within the last ten years exceeded 95,000*l.* Also, within the last five years a society had been formed, of which he was a Member of Committee for providing means of support for additional clergymen. Subscriptions amounting to 2,000*l.* a-year were given to that Additional Curates' Society, by means of which thirty-nine additional clergymen were employed in parishes where the income of the rector was too small to enable him to pay a curate, and the Church population so great or so scattered over an extent of country as to require the services of more ministers than the endowment of the Church can supply; and these additional curates, be it observed, were not chiefly stationed in the north of Ireland, but in the south and west and midland counties. The Primate alone gives about 1,700*l.* a-year in augmentation of curates' salaries. The num-

ber of schools supported by or under the immediate superintendence of the Bishops and Clergy in Ireland was 1837, containing 102,528 scholars, and there were thirteen diocesan classical schools. Such, then, was the Church, so constantly vituperated in that House, described as a nuisance, an ulcerous sore, a very pest to society. It had formerly been the habit to assail the Irish Church under the guise of friendship, affecting to desire her amendment, but now that every improvement which law could make had been effected, that sinecures, pluralities, unions, and non-residence were in rapid progress of annihilation, that the Roman Catholic occupier had been relieved from Church-rates and Tithe, and every practical inconvenience; now, as he had before observed, the insidious profession of regard for the Church's welfare was laid aside, and the hon. Gentleman opposite boldly and undisguisedly cried aloud for her destruction. He denounced such conduct as unjust and ungenerous, and fraught with the utmost danger in the present state of Ireland, calculated to inflame that hatred between races and animosity between religions which, by the prudence and good sense of the more moderate of both parties, had happily been much allayed, but which the more violent in that country were labouring to revive, and greatly abetted, he could not but feel, by such motions and speeches as were made in that House. [*Cheers.*] What the public mind in Ireland wanted was repose—what the people wanted was employment; but in Ireland the deluded peasantry were told that their destitution was all owing to the Legislative Union, and in that House, but with as little foundation, and almost as mischievously, that it was to some point of honour or abstraction connected with a church which did not cost them a shilling—he verily believed seldom a thought—and the abolition of which, if it could be accomplished to-morrow, would not afford them a meal. Truly, when they asked for bread, to make such propositions as the present was giving them a stone. Such a course could not serve the Irish people, nor would it conciliate their agitators. But it might peril the attachment and estrange the affection of those who had ever been the firmest and the fastest friends of British connexion in Ireland. Let the House do what was right and just without reference to consequences; but was it just or right, or reasonable, or to be tolerated, that the Protestants of Ireland were now to be told—yes, it was such motions as these that provoked and forced him (Mr. Shaw) to draw distinctions between Protestants and Roman Catholics that he would gladly avoid. He did not want to raise the cry of "No Popery" in England; it was contrary to all his previous habits and opinions; but if they raised the cry of "No Protestantism" in Ireland, then he would boldly meet it and fearlessly resist it. Yes; then he asked, were the Protestants of Ireland to be expected patiently to bear a proposal for the destruction of their Church? In common with a large body of them, he had always desired the civil equality of his Roman Catholic countrymen; but it was under the fullest persuasion that they would then have been contented, as every generous principle and the solemnest obligations gave promise that they would. He warned that House not to trifle with the feelings of the Irish Protestants; the humbler classes of them were at that moment exposed to great temptations. The most insidious efforts were making to woo and win them to repeal—and it was not safe to wound their feelings and repudiate their long and faithful attachment. Above all, the clergy of the Established Church in Ireland had the greatest cause to complain. They had for years borne with unexampled patience the severest privations. Their families had pined in want before their eyes: they had not the means to educate their children, or preserve their life insurances. They might be said literally to have carried their lives in their hands, still faithfully and zealously labouring in their high calling—and now, that they had purchased peace at the sacrifice, all of a quarter, many as he knew of half and more than half, of their incomes, were they threatened with the destruction of that Church for which they had suffered so much. But they would still be ready to bear and suffer all things in her cause. He spurned, on their behalf, the offer of respecting their life interests, as a paltry bribe—but it would never tempt them to betray the sacred trust reposed in them, not for their own personal advantage, but, as he sincerely believed, for the best interests of true religion, and the truest happiness of all classes and all creeds in Ireland. He rejoiced that the Motion, which was avowedly for the subversion of

the Protestant Church in Ireland—had been met by the manly resistance of Her Majesty's Government. He trusted he would not live to see the day when the Ministers of a British Sovereign would venture to entertain such a measure. Sure he was that the day was as distant as the fall of the greatness and the glory of England, when her people would permit it. He would, of course, give his cordial opposition to the proposal of the hon. Member, in whatever shape he might bring it forward.

Mr. *Redington* said, that when the hon. and learned Gentleman came down to make a speech in apology for the Irish Church, it was somewhat strange that he should attack Gentlemen on the opposite side for constantly bringing before the public the condition of that Church, which according to his own admission, was now merely coming into a better condition than it had been in before. There was not now a single convert more to that Church than when it was first planted, and he was fully prepared to believe that the mal-administration and misgovernment of that Church were quite sufficient to prevent persons from joining it. But there was something still more strange in the manner in which the right hon. and learned Gentleman asked for pity towards that Church, on the ground that there were now actually no more than eighty-one pluralities connected with it. Why, if it were not for these appeals few would have believed that any one could be found bold enough to defend a Church having as many as eighty-one pluralities, while the number of benefices was only 1,400. There was another incredible fact—that there were only 109 clergymen not living on their benefices. There could be no better authority than the Champion of the Church, for the fact that one-fourteenth of the beneficed clergy were absent from their trusts. He could assign one very conclusive reason why there should be so many absentees. He (Mr. Redington) lived in a parish in which there was not a single Protestant, and in the whole union not more than thirty attended the parish church. But was it not monstrous, when the Motion of the hon. Member for Sheffield merely asked of the Commons of England, to whom the appeal had too long been made in vain, to examine into the condition of the Irish Church—that the demand should be resisted on such grounds? His feelings would not permit him to enter upon a declaration of his opinion as to the manner in which this course of proceeding would be received in Ireland. It seemed that the right hon. and learned Gentleman was disposed to adhere to that policy which he had pursued throughout his whole career; and he (Mr. Redington) believed he would pursue it with as little success. He, as a Roman Catholic, whose emancipation the hon. and learned Gentleman had uniformly opposed, stood there an example of the error and inefficacy of past policy. He was surprised to hear the hon. and learned Gentleman say, that the Roman Catholic peasantry of Ireland did not pay the tithe; with all deference to the right hon. Gentleman, he must say the contrary was the fact, and in both instances when alterations were made in the tithe system, the additional amounts of tithe were imposed by the landlords upon the tenants. He must guard himself against the possibility of its being supposed that he advocated this Motion as one which was likely to lead either directly or indirectly to the establishment of the Roman Catholic Church as the State Church of Ireland, or to the payment of the Catholic Clergy by the State. If he stood alone in that House, he should record his vote against such a proposition, and one reason why he should do so was, that he had not seen the payment of the State Church or Clergy tend to the benefit either of the Church or the State. He could not think this Motion would be refused by the Government. It might be reiterated that the Protestant Church in Ireland was guaranteed, and that it must be supported, but it was vain to suppose that that could long exist in Ireland, the resemblance of which was not to be found in any other country on the face of the earth. It was vain to suppose that in a Catholic country, such as Ireland was, the State could continue to give a niggardly allowance of 50,000*l.* or 60,000*l.* a year for the imperfect education of the people, and impose a heavy tax upon them for supporting the poor, and, in addition to that, to keep up the monstrous burthen of tithes, and maintain the enormous revenues of the Irish Church. Such a system could not stand. The cause which the hon. Member for Sheffield now brought forward was the cause of justice. It might be resisted now, and in future years; but as sure as

there was justice in heaven, such a cause must ultimately prevail.

Debate adjourned.

House adjourned at half-past twelve o'clock.

HOUSE OF COMMONS,

Wednesday, June 12, 1844.

MINUTES.] BILLS. *Public.*—2°. Aliens.
Reported.—County Coroners.
Private.—1°. Earl of Guilford's Estate; Irvine's Estate.
PETITIONS PRESENTED. By several hon. Members (20 Petitions), against Dissenters Chapels Bill, and 12 in favour of same. — By Mr. Loch, from Wick, for Legalizing Presbyterian Marriages.—By Viscount Ingestrie, from Stafford, and Lord C. Manners, from Waltham, against Repeal of the Corn Laws.—By Mr. Macaulay, from Edinburgh, and Leith, for a Tax on Steam Saw Mills.—By Sir Stephen Glynne, from Holywell, and Caerwys, in favour of County Courts Bill.—By Mr. Scholefield, from T. S. Salt, respecting Currency.—By Mr. Serjeant Murphy, from Mayor, etc. of Cork, for Alteration of Municipal Corporations (Ireland) Bill.

INCENDIARISM.] Mr. *M. Gibson* wished to ask the right hon. Baronet opposite a question, upon which very great interest was felt in the county to which he belonged. He alluded to the alarming spread of incendiarism which had recently taken place in the counties of Suffolk and Norfolk, and in parts of Essex. If he were to attempt to enumerate the acts of incendiarism, and attempts at incendiarism which had been committed since Michaelmas last, he was sure that the sum total would astonish the House. He was himself a magistrate of the county of Suffolk, and had many opportunities of forming an estimate of the character of the labouring population of that county, and his belief was that, generally speaking, they were a well disposed, industrious body of people, and who would shrink generally with horror from the commission of such atrocious acts as he had described. He believed, also, that the occupying tenants and landowners of the country were actuated as individuals by a feeling of kindness and goodwill towards the labouring classes. He could instance many ways in which that feeling showed itself in individuals, as in the attempts which had been made by many persons to alleviate the condition of the labourers, by the allotment of land and other means. Yet still the fact was undoubted that incendiarism had spread in these counties to a very alarmining extent, and he wished to ask the right hon. the Secretary for the Home Department whether the subject of incendiarism had occupied the serious attention of Her Majesty's Government?

Sir *J. Graham* said, that with respect to the statement made by the hon. Gentlemen in introducing his question, he, from inquiries which he made, was quite prepared to concur in the elogiums which the hon. Gentleman had passed upon the conduct of the gentry, the landowners, the tenantry, and the labouring classes of that part of the country to which the hon. Gentleman had referred. He also admitted that the hon. Gentleman had not exaggerated in stating the fact that the crime of incendiarism prevailed at present throughout the county of Suffolk, and in some parts of Essex and Norfolk, to an extent which was much to be deplored. He had already announced that this painful subject was one which occupied the serious attention of Her Majesty's Government. He had conferred with the Lord Lieutenant and magistrates of those counties as to the means of repressing this dreadful crime. As he had stated on a former occasion, he believed that many of those fires were the act of one and the same wicked incendiary. He did not believe that any considerable portion of the peasantry were implicated in these offences; but that they were the work of a very few persons, who were actuated, probably, by motives of a personal nature, and that no considerable portion of the population participated in the crimes. The subject, however, was one which continued to occupy the most solicitous attention of Her Majesty's Government.

Mr. *M. Gibson* wished to ask the right hon. Baronet whether the inquiries which he had instituted led him to the conclusion that there was a reckless spirit abroad which induced men to set fire to premises, produced by distress over which individual exertions could have no control, and could not remedy; and whether Her Majesty's Government were prepared to take the condition of the agricultural poor into consideration, inquiring whether there was not a strong pressure of distress, demoralizing a naturally well-disposed population, and an inducement of discontent amongst them, with a view to applying some remedy to their case?

Sir *J. Graham* said that his inquiries led him to the conclusion that the working peasantry in no way countenanced these crimes; but that they were the work of

certain wicked persons, who perambulated the counties for the purpose.

Lord *J. Russell* asked whether any of these offenders had been detected?

Sir *J. Graham* said two were at present in custody, and four or five had been convicted at the last assizes.

CIRCUITS OF THE JUDGES—THE WRIT OF ERROR FROM DUBLIN.] Mr. *E. Buller*, understanding that a Writ of Error had come from Ireland, which would shortly be argued, wished to know what effect this would have in disturbing the circuits of the Judges?

Sir *J. Graham* said, that Her Majesty's Government would make every effort to expedite the discussion of the Writ of Error in question, and hoped that the Judges would not be delayed from their circuits mor than ten days beyond the usual time.

CHURCH TEMPORALITIES (IRELAND)—ADJOURNED DEBATE.] Colonel *Rawdon* had long entertained strong opinions on the question then before them, and when the House recollected that he was there as the Representative of the two-fold primatical see of Ireland, he trusted that his not contenting himself with a silent vote, would not bear the appearance of presumption. He wished first to tender his thanks to the hon. Member for Sheffield, for the industry, zeal, and, above all, for the constancy with which he had laboured in that cause. The conduct of the hon. Member in that matter appeared to him to be truly Conservative, and if the opinions which he had been mainly instrumental in eliciting on that matter from leading Statesmen on the side of the House at which he sat, had been expressed at an earlier period, they should not have had that frightful mass of discontent and despair of justice that at present existed in Ireland. He maintained, with all deference to the opinions of hon. Gentlemen opposite, that the best way to maintain the Union, and make it palatable to the feelings of the people of Ireland, was to evince a disposition to inquire into the grievances of Ireland, and apply remedies where they were required. The hon. Member for Sheffield had for a long time devoted his attention to the subject—he had brought it forward year after year, and it was now high time that the exertions of the hon. Member should be attended with some practical results. They had recently heard from the right hon. Baronet opposite an account of the happy state of things as regarded different religious opinions in the town which he represents; and as a contrast to that, he begged to call the attention of the right hon. Baronet to the state of things in the city of Armagh, of which he was a Representative. Armagh was the residence of two primates, one of them being the primate of what he should call the English Church, and the other being the representative of what he should call the Irish Church. He found the primate of the English Church, enjoying a splendid revenue, residing in a palace surrounded with a park, sitting in his turn in the House of Lords, and in the absence of the Viceroy, one of the Governors of Ireland. He meant to speak in terms of the greatest personal respect towards that dignitary; but having described his position at Armagh, he should now turn his attention towards another Primate, also residing in that City, namely, the head of the ancient Irish Church. He found the Primate of the Irish Church renting an humble tenement, unnoticed by the Legislature, not allowed to take the smallest share in legislative proceedings, and even prevented by statute from calling himself that which he *de facto* was. The right hon. and learned Recorder talked of introducing subjects which conflicted with the feelings of Protestants, and described the Motion of the hon. Member for Sheffield as one of an irritating tendency; but he could assure the right hon. Recorder that it was not—it was the resistance to that reasonable Motion which appeared like trifling with the feelings of the Roman Catholics of Ireland, and which prevented the doing away with the cause of irritation. The right hon. and learned Recorder said most truly that Ireland wanted repose and employment, but he (Colonel Rawdon) would remind the House that what mainly prevented repose in Ireland was retaining the causes of irritation, and continuing the want of that healthful employment, which it was the duty of a wise and paternal Government to provide. He believed that Mammon had been mixed up too constantly with the subject of the Church in Ireland; the purity and simplicity of the Protestant Church were injured by those temporalities. The right hon. Recorder had stated that large sums of money, so much as 95,000*l.* had been subscribed from private sources for the last ten years for the building of churches in Ireland, and he

rejoiced to hear of such liberality; but surely that afforded evidence that the fabric of Protestantism in Ireland might be safely allowed to rest upon the good and liberal feelings of her followers. Was not that a sufficient proof that the Protestant Church of Ireland could exist without a state provision? He would admit with the right hon. and learned Recorder, that the Established Church in Ireland had of late years much improved in spirit, nor would he stop to inquire how far that improvement had been stimulated by the healthful agitation of the hon. Member for Sheffield; but he should say, however, that the persevering opposition which had been manifested by that body to the national system of education in Ireland had gone very far to make him consider such an institution inimical to the peace of the country. He had heard in the church of the parish where he resided, the Minister denounce the system of national education from the pulpit; and a Prelate lately appointed by the present Government, charged his clergy strongly against the system. Was the Government aware of that? Was the noble Lord (Lord Stanley) who introduced the measure aware of it, or had he now become indifferent altogether to its healthy growth? He thought it was the bounden duty of the Government to give a consideration to this subject. The noble Lord the Secretary for Ireland opposed the Motion of the hon. Member for Sheffield, and he must be permitted to say that a speech more wanting in argument he had never, during his experience, heard from any Minister. It was made up principally of extracts from the speeches of eminent men previous to the passing of the Act of Catholic Emancipation, and they were brought forward with a view to show that these eminent men never contemplated or anticipated any interference with the temporalities of the Established Church of Ireland. Now, those eminent individuals, from whose speeches the noble Lord had repeated extracts, were all distinguished in their time for being in advance of the opinions of the day, and was it not fair to conclude that if they were now amongst us with unclouded faculties, they would still be found in advance of what he feared was now the opinion of our day? They would, if they lived, see that the time was come for bringing common sense to bear on the subject; and would be found, as in former days, leading public opinion instead of following in its wake. His hon. Friend who had closed the debate last night (Mr. Redington) had expressed opinions which were deserving of the greatest weight and attention from the House. That hon. Gentleman had been appointed by Her Majesty's Government one of the Landlord and Tenant Commission in Ireland: and that appointment clearly showed that the Government considered him a man of sound reason and of great respectability—a man having a stake in the country, and well acquainted with the feelings of the people. That hon. Member disclaimed as a Roman Catholic, and on the part of the Roman Catholics, all wish to endow the Roman Catholic religion; and he believed that what fell from the hon. Member on that occasion was peculiarly deserving the attention of the House and of Her Majesty's Government. But he wished to address himself more immediately to the head of Her Majesty's Government, and to ask that right hon. Baronet, whether or not he considered with the Duke of Wellington, that the Church of England, as now established in Ireland, was the foundation on which the Act of Union rested? He was desirous, with reference to that portion of the subject, to call the attention of the right hon. Baronet to the demand which had been made by many of the Irish representatives to the recognition of perfect equality in regard to the ecclesiastical and educational arrangement between the several religious communities into which the population of Ireland was divided. They considered, and he had been always of that opinion, that the Church, as at present established in Ireland, was, instead of being a source of the Union's strength, was a source of the Union's weakness—that it was dangerous to the continuance of the Union, instead of being favourable to its maintenance. He had been hitherto favourable to the Union, considering that for the defence of England and Ireland it was advantageous to have them united; but he wished to ask the right hon. Baronet if he really entertained the opinion which had been expressed by his Colleague (the Duke of Wellington) that the present Church Establishment was the foundation of the Act of Union? It was looked upon as a grievance by the Irish people—and he would ask, as had been asked before, would such a grievance be permitted in Scotland? It would not; and why, then, was it forced upon the people of Ireland? It was said, forsooth, that it was done in accordance with the Act of Union; but he had read over, with

great attention, the whole of that Act, and he saw nothing in the Article which was supposed to deal with the Church, to show that there was any notion whatever to apply it to the temporalities of the Established Church of Ireland. The temporalities of the Established Church of Ireland were now before the House—the temporalities alone were alluded to by the hon. Member for Sheffield, who did not propose by his Motion to interfere with the doctrine or the spiritual concerns of that Church. The hon. Member for Sheffield leaving the doctrines of the Church untouched, looked only to her temporalities, which had been so long a cause of discord and dissatisfaction in Ireland. He believed that the Church, without those temporalities, would be stronger, and that in consequence of the removal of such a source of irritation, the Union between the two countries would be more secure. He had hitherto been a friend to the Union, but how much longer did right hon. Members opposite believe he would consent to be a party to the Act of Union, if he were told that it mainly rested on such a foundation as the maintenance of the Church temporalities in Ireland. The right hon. Baronet opposite told the House, in speaking of the Dissenters Chapels Bill, that he was disposed to do what was just and right, and that was all that was required from him by Ireland. He joined the right hon. Baronet in supporting the Dissenters Chapels Bill, and if the right hon. Baronet showed a disposition to do justice to Ireland, he would find that Liberal Members would be ready to assist him in his exertions to carry measures for that purpose. The other night the right hon. Baronet, in speaking of the Dissenters Chapels Bill, said—

"I say this, that if any great legal doctrine imposed the necessity of inflicting wrong, I would look out for a mode of obtaining an alteration of that doctrine; because, first I think that individual justice requires it: and secondly, because that, in proportion to the importance of the doctrine, so in proportion is increased the necessity of not subjecting it to the odium of being an instrument for inflicting wrong."

The right hon. Baronet wound up with a beautiful elogium on that comprehensive gift of charity which should make us careful not to evoke the doctrine of law against the eternal principles of justice. Did not "individual justice" require that the Primate of the Irish Church should be placed on an equal footing with the Primate of the English Church? He complained that the odium of inflicting wrong was allowed to attach to the Church of Ireland, and if the right hon. Baronet acted in the spirit of his words on the Dissenters Chapels Bill he would find the same support which he received on that Bill. Let the right hon. Baronet in such a case be just and fear not—let him determine "not to evoke the doctrine of law against the eternal principles of justice," let him not put forward any Act of Parliament against the eternal principles of justice. The grievance now complained of had been frequently put forward on the part of the people of Ireland—it had recently been put forward, and not in a manner which addressed itself to the House of Commons so much as to public opinion out of the House, and that showed in itself that those who made the representation were losing confidence in the House of Commons, which was a "sign of the times," that ought not to be overlooked. The representation to which he alluded demanded for the people of Ireland a recognition of the principles of perfect equality in the educational and ecclesiastical arrangement of the several religious communities in Ireland. What could be more moderate than to require that the principle which had been carried out in England and Scotland should be applied to Ireland? It was a matter of history that both Houses had pledged themselves to redress the grievances of Ireland; and would any man in that House have the boldness to stand up and say that the Roman Catholics of Ireland ought not to consider the state of the Church of Ireland as a grievance? It was to be recollected that the Parliament at the time of the Union between Great Britain and Ireland was very differently constituted from the Parliament of the present day, and they ought therefore to see the propriety of adopting the principles of common sense in reference to the grievances of that country, for it was not safe to leave Ireland in her present state. He knew that might be said not to be a patriotic statement. He knew that it was not a course calculated to get up a cheer, but he maintained that it was real patriotism in such a case to tell the truth, and he would therefore say that in the present state of Ireland there was too much left for a foreign power to tempt. During the last two years he had been a good deal on the Continent, and he had spoken on the subject of Ireland with many

foreigners, who had of their own accord brought it forward. Those foreigners included Protestant Germans as well as others, and they were all remarkably attentive to and well acquainted with the state of the relations between England and Ireland. It would be only necessary for him to call attention to the works of Raumer, of Kohl, of De Beaumont, as the reflex of public opinion on the Continent, to show how the subject was looked to by foreigners. They ought, therefore, to take warning in time, and not to allow themselves to be blinded by party, so as not to see the true interests of the country. He hoped they would interfere in time, for he believed that sooner or later the existing system had a tendency to lead to revolution. He believed the present state of the temporalities of the Church to be dangerous to the peace and well-being of society in Ireland, and he hoped there was an inpendent party in the House of Commons who would support the Motion of the hon. Member for Sheffield, with a view to providing a remedy for those evils.

Sir *J. Walsh* said, that if he agreed with the hon. Member who had spoken last as to the comparatively little interest which the Motion of the hon. Member for Sheffield had created in the House, he was of opinion that if much interest existed with respect to it out of doors, public opinion would be in that respect reflected within the House. He did not imagine that even in Ireland there existed much excitement on the subject, or that it was looked on as one of absorbing interest, for it was brought forward as a subordinate topic amongst the various topics of agitation in that unfortunate country. He had observed, indeed, that the hon. Member for Cork, in the course of agitation which he had recently thought it proper to pursue, had dwelt upon the temporalities of the Church as a subordinate topic, and it appeared to be quite lost in the greater question of Repeal of the Union. The hon. Member for Sheffield had received much praise for his speech, but there were parts of that speech which he had listened to with considerable pain. He was sorry that the hon. Member had indulged in the history of past times with a view of showing that Ireland had been treated with oppression by England. Those who were the advocates of Repeal might appropriately use such arguments; but if the hon. Member for Sheffield were inclined to maintain the Union, he could not think it was desirable to dwell on such a topic and at such length. He not only thought that the selection of his statements was injudicious, but that the hon. Member appeared to look upon the subject through a pair of party spectacles. He could not think that the Penal Code was introduced, as the hon. Member said, in order to bolster up the Protestant Church in Ireland, but to meet the state of circumstances that followed in Ireland upon the expulsion of the Stuarts. He much regretted the personal topics which the hon. Member for Sheffield had so unnecessarily introduced in his speech. He thought the sanctity of private life ought not to be lightly invaded. The Members of that House, enjoying as they did great privileges, having the undoubted right and power of making any observations they pleased in that House, unquestioned by any one, and having the power of imparting great publicity to every word that fell from their lips, ought to exercise that power with great caution and great circumspection. He knew nothing of Archdeacon de Lacy, whose name had been introduced by the hon. Member. He had only heard of that gentleman from the right hon. and learned Member for the University of Dublin; but surely it was not necessary to cast reflections upon the whole Church, in consequence of the conduct imputed to one individual. It was scarcely necessary to hold up the name of an individual recently deceased, to the reprobation of the public, as a luxurious and pampered ecclesiastic, when the House knew nothing of the case, except that Archdeacon de Lacy spent a large private fortune in acts of charity, and was much beloved in his neighbourhood. The hon. Member for Sheffield had gone on to give his version of a late declaration made by the right hon. Baronet at the head of the Government, and he attributed to the right hon. Gentleman that he had abandoned all those high principles upon which he had formerly asserted the maintenance of the Irish Church, and now rested its defence upon the ground of mere expediency. He must say that he did not so understand the right hon. Gentleman. He understood him to have said that a compact exists, and that as far as any Parliamentary engagement could have force and validity this compact possesses that force and validity. It certainly appeared to him that if ever there was a case in which the national faith ought to be preserved, the present was that case. It had never been more

solemnly pledged on any occasion than to the maintenance of the Protestant Church in Ireland. He did not conceive that the Gentlemen opposite were amongst those who underrated the importance of preserving the national faith. They anticipated from the observance of our faith with foreign nations the improvement of the great social system, of the prevention of those wars which desolate the human race. But it was not less necessary to maintain the national faith in our domestic than in our foreign relations. He could conceive instances in which circumstances might be so altered as to entirely abrogate the original contract, but that was not the case here. The same danger to the Protestant religion existed now as at the time of the Union and of the Catholic Emancipation Act, and there was the same necessity for the maintenance of the national faith. The hon. Member for Sheffield had also alluded to a declaration made by the right hon. Baronet some years ago, that Ireland was his principal difficulty. He dared say Ireland did present considerable difficulty, and he was quite sure that there was no probable, possible, or imaginable Ministry which would not find the question of Ireland extremely difficult and complicated. But he did not think the question of the difficulty of Ireland had been fully stated by the hon. Member for Sheffield, or by any other Member on that side. The difficulty of dealing with Ireland was this, that unfortunately the problem which the statesman had to solve was as to the means of governing a country distracted by religious differences, and where those differences existed between two parties of almost equal force and importance in that country. Almost all the Gentlemen opposite ran away with the notion of population alone, and thought that when they mentioned the relative numbers of Protestants and Roman Catholics, the importance of the latter was exactly in proportion to their numbers. But he contended that that was a totally mistaken view of the state of society in that country. The Protestants of Ireland were attached to this country by important links—by the ties of religion as well as of sympathy and affection, and it did not give a just idea of the importance of the Protestants to represent this as a mere question of numbers. The force of a nation did not consist in the mere numbers of those who formed the particular classes. Mind, intelligence, property, circumstances —all these possessed great weight in the balance, and any course of legislation which should outrage or wound the Protestants of Ireland, would destroy the tranquillization of that country. Gentlemen seemed to represent the Protestants of Ireland as a small knot, having nearly the whole property of the country, but having nothing else. This was by no means the case. By far the largest proportion of the property of Ireland was, no doubt, in the hands of the Protestants; but it was not merely amongst the landed proprietors that Protestants were found. If you went into the great commercial towns, the Protestants were nearly as numerous as the Roman Catholics, and in the middle classes a very large proportion of the population were Protestants. Take, as an illustration, an instance which had occurred in the late State Trials. The Government had passed a Bill regulating the mode of striking Special Juries, in order that the selections might be fairly and equally made. It had been stated in that House that the number of persons qualified to act as Special Jurors for Dublin was 750, and of that number, taken no doubt promiscuously from the flower of the middle classes, there were only 150 Roman Catholics. This might serve to show that the opinions of the Protestants could not be outraged, nor their rights invaded, with impunity. He hoped the Motion of the hon. Member for Sheffield would be thrown out by so large a majority as would give the Protestants of Ireland security for the maintenance of their Church and their religion. He was desirous with the maintenance of the rights of the Protestant Clergy, to couple, if possible, some provision for the Roman Catholic Clergy. He regretted that some such provision had not been made to accompany the Roman Catholic Relief Bill, as he thought it would have made that a more complete and a more satisfactory measure. He was aware that there were difficulties now which had not existed then, but if it were possible to devise such a measure, he was sure it would be the most likely means to reconcile religious differences.

Mr. *Maurice O'Connell*; There is one misfortune which I have always observed to attend every application to this House on behalf of the people of Ireland, no matter by whom brought forward, or how ably supported, and whichever party be in power, the result is sure to be unfavourable. We are told that what we ask cannot be conceded; but the House is always ready to give us something which we do not seek

for, and, in many cases, would not accept; In the present instance the practice has not been departed from; for when we seek inquiry into the Temporalities of the Irish Church, we are answered by the hon. Baronet who has just sat down that he will not give us that inquiry; but kindly offers a State provision for the Catholic clergy —a provision which we do not seek, and they indignantly refuse. The time for such an offer is past. In 1828, we would have gladly received Emancipation on those terms. The parties then, as now, in power, refused the concession. And I thank God that the Catholic clergy will not now suffer their sacred ministry to be polluted by any contact with the money of the State, The hon. Baronet urges as an argument against this Motion, that it has ceased to create interest out of doors. Without going into matters of a more absorbing interest which at present divert the people of Ireland from attention to this question, let me ask if it be not the fault of those in power if a seeming apathy prevails with regard to this question. Year after year it has been brought forward, to be year after year baffled and defeated. Repeated defeat naturally generates despondency and despair. You have produced the state of despondency, beware lest you superinduce the feeling of despair. And if the consequences of that despair be calamitous or fatal, blame yourselves for the result. If you refuse the present Motion, moderate as the request is, let me ask you, what you mean to do for Ireland in this Session? You have two, and only two, attempts at legislation at present on your books—the County and the Municipal Registration Bills. One we are told, is to be read a second time on the 1st of July—an ominous day for Ireland; and if you succeed in "crossing the water" with that Bill you may, perhaps, take the other into consideration. Now, of these two Bills, it is hard to say which is the more cruel mockery of the people of Ireland, I will not now waste time in discussing these Bills, but simply show the feeling of the people of Ireland with regard to them, by the fact, that I have myself presented upwards of 300 petitions against the Counties Registration Bill, and were it thought possible that the Bill would be pressed, I have no doubt, that I should have had at least an equal number against the other. The passing of either of these Bills this Session may be now looked upon as impossible, and will you separate without any attempt to satisfy, without even any demonstration of an intention to inquire into the grievances of the people of Ireland? You may now cheaply give your friends the opportunity of saying that your intentions, at least, were good. Refuse this Motion, and what argument do you leave the friends of British connection in your favour? You have, up to this moment, succeeded in your great undertaking against the Irish people, your prosecution has proceeded to judgment—the so-called conspirators are in the safe custody of the keeper of Richmond Bridewell. Is their influence diminished? Is their determination shaken? Are not the advocates of the measure, for agitating which you have accused their colleagues of conspiring, more earnest, more ardent, more determined? Does not the voice of remonstrance and indignation ring from universal Ireland; and will you not, even by granting the paltry boon of an inquiry, mingle one allaying element in the universal commotion? But we are told that the hon. Member for Sheffield has been unhappy in his historical review, and that he ought to have abstained from violating the sanctity of private life in the instance of the late Archdeacon De Lacy. Sir, the hon. Member complained, not of the man but of the system; and if there were a fit example of the system, it was the individual who formed the illustration. Archdeacon De Lacy was the nephew of a Protestant Bishop. He was also the nephew of a Catholic priest, who lived and died in apostolical poverty. The brother of that reverend priest, the Protestant Bishop, sent young De Lacy to the University, ordained him, and shortly, on the demise of an old dignitary, placed him as Archdeacon of Meath, in the receipt of near 3,000*l.* a year of ecclesiastical income. Private property he had none, I am told he married a wealthy lady; but if so, he owed the alliance to his church dignity and income—paternal property he could not have had, for his father was in the same situation as the parent of the right hon. the Home Secretary's friend Jack Cade, namely, a bricklayer. What service the Archdeacon did to the Church or State, I know not. It is enough to know that he died enormously wealthy; and let me contrast his circumstances with those of a dignitary of the Catholic Church, well known to the right hon. Ba-

ronet the Member for Tamworth, the late Dr. Troy, the Catholic Archbishop of Dublin. I believe it will be allowed, that he was a staunch and useful Friend to British connection; and after the labours as a Prelate of half a century, he left at his death the enormous sum of tenpence half-penny as the amount of his earthly wealth. Archdeacon De Lacy died rich—Dr. Troy miserably poor. During his episcopacy, more than one Protestant Primate of Ireland amassed fortunes and founded noble families, while he, the preserver, as I may say of your power in Ireland, was buried at the cost and by the contributions of his flock. In which of these do you recognize the representative of the Apostles? Have not the flock of the latter reason to be dissatisfied with the system of which Archdeacon De Lacy was a part? And with these instances before you, will you refuse us this inquiry? Sir, the right hon. the Recorder of Dublin has surprised me somewhat, by the discovery that he himself belongs to the moderate party in Ireland! The Recorder a moderate politician! I am sure such is his own conviction; but I can only compare the hallucination which leads him to think so, to that of the celebrated performer, Mr. Liston, who, while delighting audiences by his personification of *Paul Pry*, and *General Jacko*, deplored the want of taste which did not appreciate his tragic powers as *Hamlet* or *Macbeth*; but be the right hon. Gentleman moderate or violent, he at least has admitted that Reform has done much for the Protestant clergy. That the Establishment was in a bad state, and has been improved—why not carry your improvements something further, and by giving your clergy a motive for labour, bring them by apostolic poverty nearer to apostolic exertion? If you do not, I tell you that it is you and not we, who are weakening the Protestant Church of Ireland—that you are, while you profess to defend and support, undermining and sapping the foundations of that Church; and if the fabric should crush you and your connection with Ireland in its fall, we, at least are blameless. Sir, often as this question has been discussed in this House since I had the honour of a seat therein, I have never before taken a part in the debate. I have abstained in order to allow men of more weight, and more anxious for public attention, to lay their sentiments before you; but on the present occasion, I think it my duty, as well as that of every Catholic Member to come forward, lest by our silence we should seem to acquiesce in the charge most unhappily made by the noble Lord the Secretary for the Colonies against us, by his interpretation of the Catholic Oath. I shall not waste your time by dwelling on that unhappy subject; but sure am I, that if in the course of the debates on his own Bill, which the Recorder says has done so much for the efficiency of the Protestant Church in 1833, any such charge had been made against us, that the eloquence of the noble Lord, in reply, would, while it delighted the House, have petrified the offender. I am reminded that such a charge was made on that occasion, and then triumphantly repelled by the noble Lord. I hope I may be pardoned for my imperfect recollection, when the noble Lord's own memory has proved so defective. Sir, before I conclude, I ask the Ministers of the Crown again to pause before they refuse us this trifling concession. Ireland is confessedly their difficulty. Let them recollect that the forces now occupied there may be found necessary in other quarters. We have heard much about continental feelings on the subject of Ireland. Let me remind them of a pamphlet, the work of a Prince of the present blood royal of France—of which we all have heard—and which most of us have read. You may call it indiscreet and foolish if you please; but though it may be disowned in high places, still we cannot deny that it speaks the feelings of a large portion of the French press and people. And with such a document before us, I ask you, how are you prepared to act in the event of hostilities with France? Suppose, for a moment, a squadron of French steamers arrived in an Irish port, and landing troops on the Irish coast, on whom are you to rely for aid to repel the invaders? Will the Protestant Clergy drive them from the shore? Is the Protestant population sufficient for that purpose? No, you must rely upon the strong arms and stout hearts of the Irish peasantry; and with what face can you ask for—with what hope can you expect—their aid, when you have refused their advocates even the miserable boon of an inquiry into the temporalities of a too wealthy Church Establishment? Act now as you would wish them to have acted,

Give us now some earnest of what you will most liberally promise, and let it not be said again, as it has been truly said before, that terror and necessity have wrung from you what prudence, justice, and conciliation could not induce you to grant.

Mr. *Forbes* saw in all the speeches of those who advocated the present Motion, however hon. Members might differ as to matters of detail, one uniform purpose to effect the destruction of the Irish Church. He was at no loss to understand the outcry raised against that Establishment; for it was engendered by the exertions made by the Church of late years for the improvement of the people. He had thought that the question now revived had been set at rest by the liberal concessions made to the Roman Catholic body, and by the sacrifice which had been made by the Church of 25 per cent. of its income. Feeling assured that the Committee moved for by the hon. Member for Sheffield would produce nothing but vexation, by exciting groundless expectations, and weaken an Establishment which he trusted would long continue a blessing to the Empire, he never would consent to loosen one stone of that Protestant Church on which, as he believed, depended the happiness and prosperity of the Empire.

Mr. *Dillon Browne* could have wished that the Motion of his hon. Friend had been more explicit. The speech of the noble Lord the Secretary for Ireland had removed all hope for the people of Ireland during the present Session. The noble Lord told them that the circumstances connected with the Church of Ireland should not be inquired into; that not a ray of truth should be permitted to penetrate its darkest and innermost recesses. A Parliamentary inquiry might be prevented, but not an every-day exposure of the grievances of the establishment. In Mayo, in the parish in which he resided, his tenants paid a large sum in tithes, and yet there was no church in the parish. His mother and sisters were Protestants, and had to go to a neighbouring parish for Divine Service, but from which they were driven by hearing the religion of the father and the brothers reviled. Twelve miles from his house there was a Protestant clergyman, the Rev. Mr. Marley, and his congregation for some time consisted of his clerk. That clergyman was one Christmas-day late for dinner, and apologised, by saying Divine Service had been delayed because his clerk had kept him waiting, as he had gone to mass. It was said the tenant did not now pay the tithes. The tithe was paid by the landlord; but he added the amount of tithes to the rent, and the Catholic tenant felt the burthen precisely the same as before, and tithes were, as rent, as odious to him as ever. He knew the opinions of the people of Ireland on this subject, and he could say there was no one subject on which they were more excitable than that which was now the subject of debate. If the proposition of the noble Lord the Member for Sunderland were adopted, it would serve to strengthen the connection between the two countries. In England the Church of the majority possessed the Ecclesiastical State Revenues. It was the same in Scotland. It was not so in Ireland—but the very opposite. Ireland was obliged to contribute to the Ecclesiastical State Revenues of the three countries. Was this reasonable—was it just. The Irish had this burthen imposed upon them, and with that they supported their own clergy, whilst in Dublin alone, within the last few years, they had contributed 170,000*l.* to the erection of Catholic places of worship. The people of Ireland had too strong a recollection of the miseries inflicted by the Established Church to endure it much longer. From the reign of Elizabeth it had prevented the people from acquiring a portion of the soil, whilst its clergy were engaged in preaching sermons, the text of which was "No Popery," and the moral extermination of the Catholics. The Established Church prevented the Irish from having good Reform. It was the impediment to improvement; and sooner or later the Established Church must perish in Ireland. Whether the Repeal of the Union were carried or not, the Established Church must perish in Ireland. In England it would not be endured for six months. Intelligence was being rapidly diffused in Ireland, and he called upon that House to lessen the danger and remove one of the most crying evils and abuses under which the people of that country suffered, by assenting to the Motion of the hon. Member for Sheffield.

Mr. *George Hamilton* certainly regretted that the hon. Gentleman the Member for Sheffield should feel it his duty to make those annual attacks upon the Church of England in Ireland. He regretted it, not

because he thought that the friends of the Church of England in Ireland had any reason, either to shun or to apprehend any discussion upon the subject; but because these discussions, although they had, in a degree lost their interest both in England and Ireland, had a tendency to resuscitate and exasperate all those bad feelings and animosities, which happily were subsiding rapidly in Ireland, and the revival of which, every well-minded man must deplore—of this he was sorry to say, he thought the House had an instance in the speech of the hon. Member who had just sat down. He must confess he should have thought that the reception which the Motion of the hon. Member had experienced last Session, in the House, even from his own party, would have served to convince him that the period is gone by when the question of the Church in Ireland can be used as a political engine, and for the attainment of any political purpose. It is true the hon. Member had been perhaps a little too candid on that occasion. He had comprised within his resolution not merely the confiscation of the Church property in Ireland, but its re-distribution. On the present occasion, the hon. Member, apprehensive perhaps of a similar result to his Motion, has adopted the more cautious course of moving for a Committee of the whole House. But what does that Motion really mean? Does it not mean, that if the Motion should be affirmed, the hon. Member will submit propositions similar to those which he propounded in his resolution last year. The hon. Member, with his usual candour, has distinctly admitted this. He has distinctly admitted that his views and intentions upon this remain unaltered. The noble Lord, the Secretary for Ireland, and his right hon. Friend and Colleague, had stated so fully the grounds upon which the Church of England in Ireland was to be defended, that it was unnecessary for him to add anything to their statements. Independently, however, of all considerations connected with policy and public faith, and a regard for national compacts, he was not afraid to avow that he felt it his duty to uphold and support the Church, because he believed that it was calculated to promote what he considered to be truth in religion—and further, that he thought the State was bound to maintain it, because the State was a Protestant State, and acknowledged the doctrines of the Church of England to be true.—Having urged that argument on a former occasion, he should not urge it further now; on the present occasion, he was rather anxious to take up and deal with one or two popular objections that are usually advanced against the Church of England in Ireland, and examine how far practically and in point of fact, they are founded on solid grounds of reason and justice. His right hon. Colleague had laid before the House, statements as to the income of the Irish Church. From these statements, it was clearly deducible, that if a new distribution of the benefices and funds of the parochial clergy was made, each beneficed clergyman would have an income of about 220*l.* a-year, and a congregation of about 620. He could not understand how any hon. Member could say, that if a Church is to be maintained at all, an income of 220*l.* would be found more than enough for an educated gentleman, occupying the position and station with the concomitant expenses appertaining to the station of a Protestant beneficed clergyman. But the usual and apparently more plausible objection against the Church, and the present Church arrangements, was this; it is commonly urged and not uncommonly supposed that a large proportion of the benefices in Ireland are excessive in their wealth, and that they are principally in those parts of Ireland where the congregations are smallest. Now, with respect to this, he could only say, that for his part, he could not, and would not, be a party to maintaining a system of excessive wealth, or of unnecessary sinecures in a Church—for neither one nor the other, in his opinion, could conduce to the advancement of religion, for which all Churches were instituted. But he should like to place before the House the real state of things in Ireland in that respect. If the hon. Member for Sheffield, who exhibited such historical research in raking up whatever could be said against the Church, or any of those hon. Members who are so forward in making vague charges on this subject, would take the trouble of examining the Reports of the Commissioners of Ecclesiastical Inquiry in 1836 and 1837, they would find in page 616 of the third Report, and page 672 of the fourth, that in 1833 there were forty benefices in the provinces of Armagh and Tuam, with a net income of more than

1,000*l.*, and twenty in the provinces of Dublin and Cashel, making in all sixty out of 1,395. But if any hon. Member will further take the trouble of estimating the effect which the reduction of 25 per cent. on the rent-charge has had upon those forty benefices, he will find that there are, at the present time, but thirty-one benefices above 1,000*l.* a-year, of which twenty-six are in the province of Armagh, and this without deducting either ecclesiastical tax or poor-rate: and if the inquiry be carried a little further, and the proper deductions made for ecclesiastical tax and poor-rate, it will be found, that when the Church Temporalities Act is fully in operation, after the next avoidance of those benefices—to say nothing of dissolutions of unions, which may be effected—there will be just nine benefices in Ireland worth more than 1,000*l.* a-year, seven of them being in the Protestant province of Armagh; and in round numbers the scale of benefices below 1,000*l.* a-year, will be nearly as follows:—

Between 1,000*l.* and 600*l.*	Dublin and Cashel	69
	Armagh and Tuam	81
Subject to a tax varying from 12*l.* 15*s.* to 7*l.* 10*s.*		
Between 600*l.* and 300*l.*	Dublin and Cashel	197
	Armagh and Tuam	161
Subject to a tax varying from 7*l.* 10*s.* to 2*l.* 10*s.*		
Under 300*l.*	Dublin and Cashel	525
	Armagh and Tuam	253
Free from tax.		

In other words, that considerably more than one-half the benefices in Ireland will be under 300*l.* a-year, and twelve out of fourteen under 600*l.* a-year. He (Mr. Hamilton) had stated that there were at the present time thirty-one benefices in Ireland, the net value of which is about 1,000*l.* a-year. He had the pleasure of being acquainted with most of the gentlemen who held them, and it had occurred to him to inquire what actual available income arises from each of these benefices for the support of the incumbent, and to maintain him in his position as a gentleman and clergyman. He had inquired from them—first, the gross income at the present time; second, the amount annually paid to curates; third, the deduction made by law from their incomes, as for example, poor-rate, county cess, ecclesiastical tax; and fourth, the other necessary deductions from income, such as cost of collection, and the subscriptions to dispensaries, schools, and charitable institutions, which are necessary appendants to their situations. The result he thought would surprise the House. He held in his hand letters from gentlemen holding twenty-three benefices—the largest in Ireland—and he had made an abstract of their returns. He would not trouble the House with the names of the benefices or the individuals, but any hon. Member was quite at liberty to examine his list. The gross income of those twenty-three benefices, as returned by the Commissioners in 1833, was no less than 36,633*l.*, giving an average of nearly 1,600*l.* a-year to each benefice; their gross income at the present time was 27,824*l.*, or about 1,200*l.* a-year on an average to each, while their actually available income, after deducting 4,743*l.* for curates and the other legal and necessary payments to which he had alluded, was but 16,476*l.*, or little more than 700*l.* a-year on an average for each of these 23 gorgeous benefices, although twelve of them were at present free from ecclesiastical tax, by which their value would be reduced by near 15 per cent. He would illustrate what he was stating by one or two instances. He would take the case of Armagh benefice, and Armagh benefice was held by a gentleman occupying the very first position in Ireland as a scholar and a divine—a gentleman well known to many hon. Members—the Rev. Dr. Elrington, formerly a Fellow, and now Regius Professor of the University which he had the honour to represent. The benefice of Armagh was returned in 1833, as worth 2,187*l.* a-year, obviously one of the best livings in Ireland. Its present gross value as stated by Dr. Elrington is 1,725*l.* The deductions are as follow:—There are six churches and ten curates in the benefice; Dr. Elrington pays his curates 669*l.* a-year. The deductions by operation of law are:—

Ecclesiastical tax	£101
Poor rate	63
Rent of residence, there being no glebe-house	143
Visitation fees	5
Diocesan schoolmaster	2
	£315
The other necessary deductions are—	
Collection	£70
Hospitals, dispensaries, schools, societies, which Dr. Elrington states came to 150*l.* in 1841	90
	£160
In the whole	£1,145

Leaving Dr. Elrington in possession of 580*l.* available income to maintain his position at the head of a great parish, to provide for a family, and to contribute to private charities, which are not included in the deductions he has made. Now, considering Dr. Elrington's known abilities, he would like to know whether, if he had devoted himself to any other profession that could be named, he could not, after the lapse of so many years, have acquired larger means of providing for a family, and a larger recompense for the time and cost of his education, and the application of the abilities he possessed. He was unwilling to weary the House, but, considering the attacks that had been made upon the Church, and the readiness with which particular instances were taken advantage of by hon. Members opposite, he hoped he would be excused if he took another instance. It related to another of the prizes in the Church in Ireland. A very distinguished divine, also a Fellow of the College of Dublin, writes as follow:—

"Taking the sum of 1,021*l.* given in the Ecclesiastical Commissioners' Report, as the value of his living, the following deductions are to be made, from which to give the net amount:—

	£	*s.*	*d.*
1.—25 per cent. on rent-charge bonus to landlords	207	15	0
2.—Curates' salaries	172	0	0
3.—Rent of house, there being no glebe	75	0	0
4.—Expense of collection ..	25	0	0
5.—Tax payable to Ecclesiastical Commissioners	39	0	0
6.—Poor rate	30	0	0
7.—Visitation fees, &c.	5	5	0
	£554	0	0

Deduct 554*l.* from 1,021*l.* net balance to incumbent, 467*l.*"

So that here, in the first instance, we have this living of 1,021*l.* reduced to 467*l.* But what other unavoidable demands has this clergyman to pay? He states—

"I have to contribute to four dispensaries, a fever hospital, to the support of a Scripture reader—of schools and schoolmasters, and to the necessities of the poor in cases not aided by poor-house relief."

He adds,

"It may give you some idea of the extent of the demands on a clergyman, to mention that my books show, for the last year, a sum of 120*l.* given in various charitable purposes, and most of them unavoidable."

"In looking into the items, I think it would be difficult to reduce this sum in any material degree."

Here, then, is a gentleman of the highest attainments and of the highest professional character, a gentleman formerly a Fellow of the University, and having retired on a living of more than 1,000*l.* a-year in nominal value, and that living affording him for the support of his station in society the income of 347*l.* a-year. He adds,

"I really think, that there are many parishes, in which, perhaps, a still more striking result might be obtained by contrasting the supposed with the net value."

He would now turn to some of the small benefices, with the view of showing how far in those cases the property of the Church in Ireland was adequate to the wants of the population. A society was formed in Ireland four years ago, for the purpose of supplying from voluntary subscriptions, the means of providing curates, in cases in which the necessity for additional curates might appear the most manifest. It was a rule of that society, that in every case additional services should be performed in the benefice, where such aid might be granted. The committee last year had been enabled to grant aid in thirty-seven cases—the Church population in those thirty-seven cases was 71,146—nearly 2,000 in each on an average—and the average income of the incumbents of those thirty-seven benefices was 114*l.* a-year. He would select two or three of those cases—the parish of Derryaghy, in the diocese of Connor, containing a population of 3,052 members of the Established Church—in extent five miles long, four broad—net income 112*l.* 10*s.*, out of which the incumbent pays 75*l.* to a curate; the parish of Carlingford, population 549 members of the Church—length of parish ten miles, breadth four—population scattered—net income 188*l.*; parish of Ballyscallen, diocese of Connor, members of the Established Church, 512. No church, no incumbent, and no legal provision for the support of a minister. Benefice of Ballinakill, in diocese of Tuam—forty miles in length, and twenty in breadth. In reference to this benefice, the late Archbishop of Tuam makes the following observation:—

"The incumbents in each of those districts are quite unable, from the poverty of their incomes, to employ curates to discharge the du-

ties of these territories. There are Protestants scattered along the coasts, and some in the islands; a clergyman ministering in these places must be a missionary, and must go from place to place in the spirit of mission. There are instances, not a few, of children being baptised by Roman Catholic priests from the want of clergymen of the Established Church. Others have grown up without baptism, and in some cases the clergyman, after attending to his ministrations, on his return home will have travelled above thirty miles."

He would not weary the House by adducing any other instances—the whole of the thirty-seven cases were of the same nature. He had adduced them for the purpose of showing that whether you take the general averages, or whether you take particular instances of large benefices—or whether you take the condition of the smaller ones, and consider the efforts which are requisite, and which are now in progress to provide clergymen from private sources, the result is the same—namely, that the Church Establishment in Ireland is now under the provisions of the Church Temporalities Act, at the lowest point at which a Church Establishment can be maintained. The question upon which the House was now about to vote was therefore really this—whether the Church of England or Ireland was to be maintained, or whether it was to be most unwisely, most unnecessarily, and most unjustly extirpated. It was only necessary for him to make one observation more—the hon. Member for Mayo who had preceded him in the debate, had insinuated that there was an indisposition on the part of the Church to give information respecting its condition. He could assure the House this was not the case—there was no reason why the Clergy or the heads of the Church should withhold any information. They had nothing to apprehend from inquiry; on the contrary, it was their full persuasion as it was his, that the more the subject was discussed and inquired into, the more favourable would be the result as regards the condition of the Church in Ireland.

Sir *C. Napier* did not think it was good taste in a Protestant Member of that House to hold up his religion as better than that professed by Roman Catholic Gentlemen who were sitting there. He believed that every man thought the religion which he professed to be the best. The hon. Member who had just spoken, hoped that the Roman Catholics of Ireland would be converted to his creed. He asked that hon. Gentleman if he had ever heard a Roman Catholic Member get up and express his hopes for the conversion of the Protestants? No; they had better feelings; they believed in their own religion, and did not wish to make proselytes. The right hon. Gentleman the Recorder of Dublin had stated that the average income of the Protestant Clergy of Ireland was 170*l.*, but the hon. Gentleman who had last spoken, said that the average income of the Irish beneficed Clergy was 220*l.* a year. Now, he did not think that that was too much for a Protestant clergyman, but he thought it was too much, considering the congregations which the Irish Protestant clergy were in the habit of addressing. He asked hon. Gentlemen, when they went over to Ireland, to go into the different districts and see the congregations which the Protestant clergy preached to, and they would find that many of them preached sermons to no audience but their own clerks. Was that a state of things calculated to please the Catholic? Hon. Gentlemen opposite might shake their heads, but he asked them whether, generally speaking, there was not an immense number of churches in Ireland where there was an audience that could scarcely be called a congregation? Could any man therefore believe that the Catholics could be satisfied when they saw their own ministers preaching for ten or fourteen hours a day? [Lord *Stanley*: Preaching?] Well, preaching, administering the mass, and performing the other duties of their calling. Would any man tell him that a Roman Catholic minister could look around with anything like pleasure or satisfaction, and contrast his own position with that of the Protestant clergyman? Was it possible that he could, when the Protestant minister was well paid for preaching to no congregation, and he worked throughout the day, either preaching to or confessing his flock, without any remuneration besides what he took from the small incomes of his own parishioners? He thought the hon. Member who had last spoken, ought to have given the House an idea of what the Roman Catholic clergymen received for their labours. He had not the smallest doubt that the Catholic clergy of most districts of Ireland only gained a miserable subsistence. The hon. Member had given them a statement of the value of the Protestant

benefice of Armagh, but he should have also laid before them a statement of the income of the Catholic clergyman of Armagh, and the House would see if he were treated in a proper manner. Was it just that all the tithes of Ireland should be given to maintain a Church which counted only 750,000 members? It had been said that the Roman Catholic clergy would not be endowed by the State; that they would not receive an income. Now, suppose a salary were put into the bankers' hands for them, 200*l.* the first year, and 200*l.* the next, they might depend upon it if that system was only persevered in for two or three years, the Catholic clergy would be softened a little, and would soon come and take their incomes as comfortably as possible. If they knew the money was there for them, they would in a very short time invariably go and take it. He would not go more into detail, for he considered that his hon. Friend near him (Mr. Ward) had made so admirable a speech—that he had so thoroughly gone into the question, that it was impossible for any hon. Member to bring the matter more fairly before the House; and up to the present time nothing like a decent answer had been made to it. He did not know what the noble Lord opposite the Member for Lancashire, and the right hon. Baronet at the head of the Government, when they came forward with their strong fire, might say to reconcile them to the present state of Ireland, but he thought it was in vain to hope for the pacification of Ireland through their measures. The first shot that was fired against us, would do more good for Ireland than all the speeches that could be made in that House. That was his opinion, and he asked hon. Gentlemen opposite if it was wise and politic to leave Ireland in the state in which she then was, trusting or waiting till war should force them to do her justice? We were now at peace, it was true; but was there any man in this country who could tell us how long we should remain so? He understood that the settlement of the Oregon question was not going on very amicably. The French were making a treaty with Spain relative to an attack on the Emperor of Morocco, and were anticipating the occupation of Ceuta, on the southern strait of Gibraltar. If such an event as that happened, would not Ireland be a clog round our necks? The Members of the Government should read the pamphlet of the Prince de Joinville; he had read it with great care and attention, and it had shown him what could be done against us in the event of a war. The Prince had clearly made out that it was morally impossible to prevent the landing of troops in Ireland from France; and in that case, then, he (Sir C. Napier) asked, if the loyalty of the people of Ireland was suspected, what would be our position? He saw the danger of all these things, and the Government of the country ought to come forward to render that justice to Ireland which she had a right to expect. [Question, question].

Mr. *Borthwick* could not permit a division to take place without stating his reasons for voting against the measure. He did not believe that the Established Church of Ireland was a grievance in that country, or that it was considered to be so. Throughout the agitation to which Ireland had been exposed during the last two years, no allusion had been made to the Established Church as one of the causes of complaint against this country. The union of Church and State, indeed, had been occasionally complained of by Irish Roman Catholics—men who belonged to a Church of which the head was at once a temporal monarch and a spiritual chief, but who, nevertheless, though it were a heresy in their Church, declaimed against the union of Church and State. [Mr. *M. J. O'Connell*: No, no.] Did he understand the hon. Member to say that opposition to the union of Church and State is not a heresy among Catholics? [Mr. *M. J. O'Connell*: Not with us, though it may be in Don Carlos's Catholicism.] Then, all he could say was, that Don Carlos is the better Catholic. But the fact was, as he had been arguing, that the union between Church and State was not the grievance in Ireland or the real foundation of this Motion. They were called upon now to abolish a Church of 300 years' standing, because, first, of Mr. O'Connell's agitation; and, secondly, of the Prince de Joinville's pamphlet. Not that he participated in the opinion of the multitude with regard to the work of the illustrious Prince. He thought it an able pamphlet, and, considering that it was written by a Frenchman, he saw nothing so very extraordinary in its views, nothing to authorize the gloomy forebodings of many who were represented by hon. Gen-

tlemen in that House, or of those (pointing to the reporter's gallery) who were represented by learned Gentlemen above. He believed, for his part, that their fears were entirely unfounded, and that for the repulsion of King Louis Philippe and his steam-engines, they could rely on no surer power than the people of Ireland. It was the duty of the State to provide a religion for the people, and, finding in Ireland a religion sanctified and hallowed by the prescription of 300 years — finding too that those who called out most loudly against that religion were not prepared to substitute in its place their own faith, but were determined to have no religion at all, and to make the State as regarded Ireland atheistical, to use the language of the hon. Member for Belfast, and believing that no evil more formidable could befall any part of the Empire, he certainly should oppose the Motion of the hon. Member for Sheffield. Without religion it was impossible to govern mankind, and until they could show him that the present system in Ireland could be replaced by another equally beneficial, he should feel it to be his duty in that House and out of it at all times, and by all means, to maintain the present establishment of that country.

Mr. *Vernon Smith* congratulated the hon. Gentleman for having on that occasion saved the Irish Church; and at the same time having established for himself the character of one of the best speakers against time that had ever stood up in that House. He was not surprised at the small amount of attention the question appeared to command on the other side of the House, for many equally important subjects, founded equally upon practical grievances, had on their first introduction been met in the same manner. He believed that the House had been counted out upon the question of Reform shortly before that measure was carried; and the Emancipation Bill was long looked upon as a thesis for the practice of young Members of Parliament, rather than a practical question of legislation; therefore, however light they might look upon the question of the Irish Church now, he had no fears as to the ultimate result. They might postpone the settlement of the question, but he warned them not to delay it until it was forced upon them by a revolt in Ireland, or a foreign war; and he believed, had the late report of the sinking of a British man of war by the French fleet, off Tahiti, been correct, very little time would have been lost in arriving at a satisfactory conclusion of this question of the Irish Church. But how did the Government propose to get out of the difficulty which this question occasioned to them? Did they not find the Church of Ireland the great obstacle of their Government at every turn? The right hon. Baronet (Sir R. Peel) had declared that it was the intention of the Government to promote, where they could do so, Catholics to civil offices. What was the hindrance? The Church of Ireland. The Government were also anxious to advance the system of education the noble Lord (Lord Stanley) had, much to his credit, introduced into Ireland. But who had been the principal opponents of that system of education? The Church of Ireland. Again, in striking the jury in Ireland, upon the recent State Trials, they found the Irish Church interfering in the exclusion of Catholics. At every turn, and in every act, they were met by the Irish Church. No man would, he thought, contend—not even the hon. Member for Dublin University—that if there was no such institution as the Church of Ireland now existing, we should or would create it. Then was this an age in which a thing that would not stand the application of that test was to be defended and maintained in the condition in which they found it? One ground upon which the Irish Church was defended, was property; but every day greater inroads were made in property—every Railway Bill that passed that House was a greater interference with the rights of property than would result from a readjustment of the temporalities of the Irish Church. Did they maintain the church on the grounds of religion? He did not know how they could maintain it in its present position on these grounds. Was it as a means of conversion that they proposed to employ the Irish Church? Certainly if it had proved itself an efficient agent in the propogation of Protestantism, he should be prepared to maintain it. But he contended that no established church was capable of propagating a religion by proselytising. Religion was generally propagated by missionary and itinerary bodies. It seemed to him to be the essence of an established church, that it should be the church of the majority. As it was, religion in Ireland was in the worst possible condition, and, undoubtedly, the vote he should give in favour of his hon. Friend's Motion would be a vote of want of confidence in the

Ministry, so far as related to their Irish policy, if they did not take some step as to the Irish Church. Beset as the subject was with difficulties, he thought that their great object should be to produce something like equality between the churches of the majority and the minority. To talk of the Church as a pecuniary grievance, was to take up the narrowest ground of argument against it. It was ridiculous to suppose that in a country like Ireland, the exaction of such a sum as the Church's revenues amounted to, could be considered as a great pecuniary grievance. He considered the Church to be a religious and not a pecuniary grievance, and it was as such and as an anti-Protestant institution—as far at least as the propagation of Protestantism went—that he was prepared so to deal with it. There were, in his opinion, but three ways of such dealing. To destroy altogether and leave religious remuneration to the voluntary contributions of congregations. To divide the funds proportionably between the Church of England, the Church of Rome, and the Presbyterians—or to diminish the revenues of the Church of England in Ireland, and devote such diminution to the payment of the Church of Rome. Under all the circumstances, he thought that the best course which they could adopt would be to subtract something of the revenue of the Protestant Church in order to pay the Catholic priesthood. It would be said, perhaps, that the Catholic priesthood would not accept such a boon. He replied, try them. It was our duty, at least, to offer it to them. The position in which he proposed to place them, was not such as to make them entirely independent of their congregations, and dependent upon Government for support, but partially dependent upon both, a position which, as he believed, would also have the effect of ensuring their fidelity to both. He did not, however, see any chance of Government making any immediate movement in the matter; and deriving as they did so much of their support from the High Church party of the country, he did not anticipate that any such proposition would be entertained. There was, however, one question which he wished to put to the Government, and particularly to the noble Lord, the Member for North Lancashire. The right hon. Baronet at the head of the Government, had said, and as he believed truly, that he was unwilling to offer any insult to the Roman Catholics of this country. He wished the Government then to remove the greatest insult to which they were exposed. He alluded to the oath taken by Roman Catholic Members on their admission to Parliament, and he had alluded to the noble Lord in connection with the subject, because that noble Lord had a short time ago read the oath in that House, for the purpose of taunting the Catholic Members, and of attempting to prevent them from voting upon questions which they believed that they had a right to express their opinion upon.—[Lord *Stanley* had no such intention.] Then why had the noble Lord read the oath if it was not for the purpose of taunting and intimidating the Catholic Members. So strong was the impression on his mind that such was the case, that he had given notice of a Motion for the alteration and amendment of the oath in question, but although from peculiar circumstances he had not pressed that Motion, he trusted that the Government would take the matter up. The First Lord of the Treasury in the debate upon the Catholic Relief Bill had expressed his disapproval of the suggestion that Roman Catholic Members should not be allowed to vote upon questions affecting the Church. He stated explicitly that he would never give his consent to excluding Members of the House from voting in particular cases. He could really not imagine then the object of maintaining the Catholic oath, of which this should be the effect, according to the Secretary of State for the Colonies. Would any one say, that it was any security to the Church? Certainly not. A vote was given for it at the time of its enactment upon that ground. No one could pretend to be the interpreter of the oath, and to decide upon its exact meaning. It was left to each individual Member to understand it as he thought fit. It was useless, and being irritating was worse than useless. The right hon. Gentleman concluded by stating his intention to support the Motion.

Sir *J. Graham:* I am not disposed to address an unwilling audience at any length, particularly when I see the empty condition of the Benches on both sides of the House.* I can only account for the apathy and languor which have characterized the debate by the circumstance of the hon. Member for Sheffield having in his zeal for the overthrow of the Irish

* At this period (about a quarter past nine) there were not more than forty-seven Members in the House.

Church outstripped public opinion, and therefore he is not supported by those in this House who are considered to be the representatives of public opinion. The right hon. Member for Northampton referred particularly to the Roman Catholic oath. It certainly is not my intention to follow the hon. Member into a consideration of that disputed point. No proposition has been made to the House for the alteration or abolition of that oath, and, as the hon. Member opposite has stated, that it is his intention to bring the matter forward upon a future occasion, I shall reserve myself for that opportunity of discussing the subject. I quite concur in the opinion of the right hon. Gentleman that each Member of this House is bound, in any vote he may give, by his own conscientious opinion with regard to the interpretation of the oath which he has taken. Roman Catholic Members are admitted into Parliament with the understanding that the oath is binding upon their consciences, and therefore each Member has a perfect right to put his own interpretation upon that obligation, and to satisfy his own conscience. I must say, according to my judgment, that the hon. Member opposite has described correctly and truly the great difculty of dealing with the religious portion of the question which has reference to the Irish Established Church. The hon. Member accurately stated that the Irish community is divided into three classes in matters of religion; that the great majority of the people of that country are in favour of the voluntary system; that a large portion is attached to a Stipendiary Church; and that the minority is allied to an Established Church in connexion with the State. The hon. Member truly stated that there are great difficulties surrounding this question. He has asked the Government what course they intended to pursue in dealing with the Irish Protestant Church? I have upon many different occasions entered so largely into this subject, and have expresed my opinion upon all its points so explicitly, that the hon. Member can only expect me to give one answer to his question, and in doing so I feel convinced that I am giving expression to the opinion of all my colleagues. It has been the object of the Government, and will continue to be its object, to remove all the abuses which exist in connexion with the Irish Church, to purify it to the utmost; but after having removed these abuses, and after having thus purified it, it is the intention of the Government to use its best efforts resolutely to maintain it as the Established Church of Ireland. He agreed with Mr. Buxton, who said that the abuses in the Established Church acted as the greatest impediment to the spread of Protestantism. The Government has been most anxious in its constant endeavours to remove those abuses. The hon. Member for Sheffield said that the Irish Protestant Church is the worst church in Europe. [Mr. *Ward:* I quoted Queen Mary's Letter, in which it is described as the worst Church in Christendom.] Queen Mary was no friend of the Protestant Church. [Mr. *Ward:* I referred to the period of William and Mary of 1698.] I beg the hon. Member's pardon, I admit that at a much later period than the Revolution there existed many abuses in connexion with the Established Church of Ireland. But have we not done our best to remove these abuses? Was not the Irish Church Temporalities Bill, introduced by my noble Friend near me (Lord Stanley), when connected with Lord Grey's Administration, a large measure of substantial reform? Has not that measure had a most beneficial effect? Has it not greatly diminished the overgrown hierarchy of that country? The right hon. Gentleman, the Member for the University of Dublin and his Colleague had pointed out the progressive effect of this measure. Sinecures have been greatly reduced, no fresh pluralities have been created, non-residence has been suppressed; and, speaking generally, whatever might have been the reproach of that Church in antecedent periods—whatever was the date or the truth of the assertion that it was the worst Church in Christendom, I believe its Ministers may now challenge comparison with the Ministers of any other Church in Europe. Generally speaking, they are resident and faithful and zealous in the discharge of their duties; and I am quite satisfied whether the members of that Church increase or diminish, the abuses referred to will no longer impede its progress in the affections of the Irish people. The right hon. Gentleman said, that the proper test of the usefulness of any establishment will be found in the question, whether, at the present moment, they would be prepared to create it *de novo*. Now, I do think that this is

rather wild doctrine, and a very dangerous test, whereby to try ancient institutions. I can point to many institutions we value and respect, and which have existed from the earliest times, but which, on account of the gradual change wrought by time, and the progress made by society, we certainly should not be prepared to say that it was absolutely advisable to create them *de novo*. But there is no advantage gained in discussing this proposition. We find the Protestant Church established in Ireland. It has existed as such for three centuries. It was brought under the consideration both of the British and Irish Parliaments at the time of the Union, and then confirmed and ratified. I do not wish to say that the Fifth Article of the Treaty of Union prohibits any interference with the temporalities of the Irish Church. I will guard myself against that assertion; but that Article embodies a solemn obligation that any interference with these temporalities shall be based upon the principle of the maintenance and the prosperity of the Church. Upon that ground we became parties to the Church Temporalities Act, and to the Tithe Commutation Act. Before supporting these measures, it was our duty carefully to examine the article in question, and we came to the conclusion that these measures were conceived, and could be advocated, in a spirit friendly to the Church, tending to its security and support, and by no means partaking of that spirit of spoliation, of a desire to alienate its property, confessedly the object of the Motion of the hon. Gentleman. But the right hon. Gentleman who spoke last made one very important admission. Until the right hon. Gentleman took part in the debate the general strain of argument upon the other side of the House rested upon the wealth, alleged to be excessive of the Irish Church, and upon the vast amounts stated to have been voted for education in connexion with it. Much misapprehension prevailed upon this point. Instead of 800,000*l.*, of which the revenue of the Irish Church formerly consisted, Parliamentary arrangements have reduced the sum to about 650,000*l.*, and if from this we make the deductions which can be fairly claimed, I believe the net income arising from all sources will not exceed at the most 590,000*l.* per annum. But whatever may be the exact amount, the matter was much simplified by the admission made by the right hon. Gentleman. He stated that he considered the Church of Ireland to be no pecuniary grievance whatever. He thought that the raising of such a sum as 500,000*l.* or 600,000*l.* a-year in such a country as Ireland could not be fairly considered as a pecuniary grievance. He stated that the Church was, in his opinion, not a pecuniary, but a religious grievance, and that he was prepared to deal with its revenues upon the ground not of its being an intolerable pecuniary burthen, but a religious wrong, and an Anti-Protestant Establishment. I do not know how far these opinions may be shared by hon. Gentlemen around the right hon. Member for Northampton, but they certainly gave a new character to the debate. Were I called upon to defend the Irish Protestant Church —not from attacks connected with its pecuniary condition, or on the ground of any feelings of jealousy between it and the professors of rival creeds, but upon its merits as a religious establishment, and as a bulwark of the Protestant faith, I should be very willing to join issue upon the point; but really, after all, I am scarcely called upon to do so, as these opinions of the Anti-Protestant character of the Church of Ireland would, I imagine, find few supporters upon the opposite side of the House. But the right hon. Member referred to the speech of the hon. and gallant Commodore, the Member for Marylebone, and I must say that—reason failing— no better course can sometimes be adopted than the utterance of threats. The hon. and gallant Commodore threatened, that in the event of England finding a foreign war upon her hands, there would soon be an end to all debates upon the subject, and that the question would be settled in the sense which he desired, with the report of the first cannon fired in a European war. And then the hon. and gallant Gentleman went on to affright us with wars and rumours of wars. His prophetic eye saw the Prince de Joinville cruising in the Chops of the Channel, and he declared that unless we immediately settled the question, by yielding all that could be demanded, there would be an end to the security of the Empire. Now, I must say, that these assertions do great injustice to the Roman Catholic population of Ireland. I do not believe that—should this country become involved in a war—their accus-

tomed loyalty and brave spirit would be found wanting, or that they would not give to Great Britain that help which they had never failed to render in the day of battle. At the same time, I cannot think that the House of Commons, composed of Representatives of the United Kingdom, will be overawed in its deliberations by threats of that kind. And notwithstanding the high authority from which on the present occasion these threats proceeded, I know no means so likely to counteract their influence as the employment on our coasts of the gallant Commodore himself. I do not fear that any foreign Power will long keep possession of the Chops of the Channel, if the gallant Commodore be there, bidding defiance to the enemies of his country, and doing his duty on his native element as vigorously, perhaps more expertly than he does it in the House. But the right hon. Member for Northamptonshire was also pleased to taunt the Government upon the subject of alleged inability to do justice, in questions involving the interests and feelings of the Roman Catholics, on account of the warm Protestant feeling of a portion of its supporters. And yet, inconsistently enough, the right hon. Gentleman had the candour and justice to commend the present Government with respect to its conduct as to Irish national education. In that respect Government has not failed to give full effect to the principles of their predecessors in office, notwithstanding the opposition which it has met with from many of its usual supporters. I may allude also to another and a somewhat similar topic. Notwithstanding the opposition encountered by Government—an opposition which I much deplore—we have had no hesitation, from our own sense of justice, and for no other reason, in conferring upon a small and comparatively powerless body of our fellow countrymen—the Unitarian Dissenters—a boon which the Government believes to be their due. Was it then fair, in the face of two such facts, was it reasonable to suppose that in reference to 7,000,000 of Roman Catholics the Government will fail to do every thing which in its honest judgment it believes that policy and justice demand? The right hon. Gentleman has taunted the Government with introducing a measure last year in favour of the Church of England, which practically was of no effect. I must tell the right hon. Gentleman that measure has been of great practical benefit, for we have raised 600,000*l.* for Church purposes, without drawing any money from the public purse. That sum has enabled us to establish from 150 to 200 additional clergymen in the manufacturing districts, at salaries from 150*l.* to 200*l.* a-year. Therefore, I must say, the right hon. Gentleman (Mr. V. Smith) has been somewhat premature in stating that this measure has been inoperative. I am quite prepared to do ample justice to the speech which the House had the pleasure of hearing last night from the hon. Member for Sheffield—a speech distinguished by the ability and perspicuity which always mark the speeches of the hon. Member; but, having said thus much, I must also say, that though the hon. Member laid down very extensive premises, nothing could well be so unsatisfactory as his conclusion. The hon. Gentleman appears to have ransacked the stores not only of *Hansard*, but of all history, in preparing his speech; he read extracts from speeches delivered in the House of Commons, extracts from speeches in the House of Lords, extracts from history, extracts from sermons, extracts from pamphlets, extracts from the *Edinburgh Review*, puffs of auctioneers, placards on the walls, speeches at tavern dinners and Pitt Clubs, speeches at Exeter Hall, Mr. Glover's Book, M'Niell's Sermons, Mr. Montgomery Martin's Philippics, O'Connell's Repeal Newspaper, Von Raumur's *Travels in Ireland*, and the *Bibliotheque de Geneve*. In short, the hon. Gentleman brought to bear on the subject all his historical researches, but though nothing was more ample than the hon. Member's premises, nothing could be more narrow than his conclusion. The hon. Member for Mayo (Mr. D. Browne) said, that he should have wished the Motion had been more direct, and the attack upon the Established Church in Ireland more palpable. I must say I very much agree with the hon. Member for Mayo. The hon. Member for Sheffield gave the House an extensive view of his opinions with respect to the Established Church, the condition of which he wished the House to consider. He stated that the maintenance of the Protestant Church in Ireland was felt as a grievance by the Irish people. He stated that Europe desired to see Ireland liberated from that last remnant of the yoke of a rot-

ten system. He stated that he preferred conceding at once that which it would be dangerous any longer to withhold, and then thinking it fatal to the State to maintain the Irish Church in its present condition any longer—to support that remnant of the yoke of Ireland—that remnant of a rotten system—instead of proposing to Parliament any remedy of a bold and decisive character, which might immediately meet a pressing danger, he simply said, that having stated thus much, he should ask the House to go into Committee on the present state of the Temporalities of the Irish Church. As a preliminary step that would be quite intelligible if the hon. Gentleman had given any explanation as to what he proposed to do when we got into Committee: but to my amazement, the hon. Gentleman said, "I don't ask you, by your votes on my Motion, to pledge yourselves to any specific measure." Certainly, if I had not heard the hon. Gentleman speak on this subject before, I should have thought that the hon. Gentleman had opened at great length a subject which he thought was replete with danger, but on which he had no fixed opinion, no remedial measure to propose; but having recalled to my memory former speeches of the hon. Gentleman in which he had fully stated to the House what he thought ought to be done by way of remedy for this grievance of the Irish people, I know what he desires is, that a sum equivalent to seven eighths of the revenues of the Irish Church should be taken from it to be transferred to, and distributed among the religious sects of Ireland. That was the hon. Gentleman's remedy, as propounded by him some time ago. Mark his conflict of opposite opinions on the other side. Some Gentlemen said that the Irish Establishment had given no strength to religion in Ireland. That would be a startling fact, if it could be established. But how was it made out? Then the gallant Commodore had said, that the whole question was a question of money, and that though the Roman Catholic priests would refuse to be endowed, yet that Her Majesty's Government had only to put the money into the bank, and they would accept it in the end. However that might be, I must say, that the House, as it appears to me, cannot entertain this Motion of the hon. Member for Sheffield, knowing his opinions with respect to the evils of the Establishment in Ireland, and knowing his views of the remedy, unless the House be prepared to take steps for the spoliation of the Church of Ireland, and for the transfer of its property to rival and hostile Churches. The right hon. Gentleman (Mr. V. Smith) said, that an equality of endowment was desirable, and something of that kind, I believe had been stated on former occasions by the noble Lord, the Member for London (Lord J. Russell); but Gentlemen who are intimately acquainted with Ireland, and who are most conversant with the opinions of the Roman Catholic Clergy of that country have stated in the House, that in their opinion the endowment of the Roman Catholic clergy would be impolitic and inexpedient, and that if an endowment were offered, the clergy of that Church would refuse it. Then, how was that equality to be obtained except by depriving the Church of its funds, and placing all Churches without distinction in Ireland on the voluntary principle? The Roman Catholic Clergy remaining unendowed, equality of endowment is only to be obtained by stripping the Protestant Church of Ireland. The noble Lord, the Member for London (Lord J. Russell) if I am not mistaken, said, on a former occasion that he had insuperable objections to such a spoliation, and that he was not prepared to despoil the Church of Ireland of its Temporalities. Now I can conceive the policy of making a great sacrifice for the purpose of obtaining national peace and tranquillity. In 1825, this question of the endowment of the Roman Catholic clergy was a good deal considered, and Mr. O'Connell then proposed that a measure should be passed for this purpose, which, as he said, would have the effect of binding the clergy of Ireland to the State by a golden link. Undoubtedly, if I had been then present in Parliament, I should have supported that measure; but I now call upon the House to consider that we are not at present debating whether some provision should be made for the Roman Cotholic clergy, but whether we are prepared to deal with the Established Church of Ireland in the spirit of the views which the hon. Member for Sheffield has on a former occasion explained to the House. The question is whether the House shall go into Committee for the purpose of depriving the Church of Ireland of the greater part, or

even of the whole of its revenues. That is the real question to be decided. Now, I will not cavil about the precise terms of the 5th article of Union; I am not prepared to dispute the historical fact stated by the hon. Member for Sheffield, that Mr. Pitt had changed considerably the words of the 5th article and modified it from that form which had been adopted in the first instance by the Irish Parliament; I will not dispute that Lord Cornwallis held out the hope to the Roman Catholics not only of equality of civil rights but of endowment from the State for their Church; and I believe also that the alteration of the original article had reference to the intentions of Mr. Pitt to establish that equality, and to provide that endowment. I admit this, because it is matter of history, and if I were asked whether I think that the article was so framed as to admit of making a provision for the Roman Catholic Clergy of Ireland, I should answer that I consider the article was studiously so framed as to sanction such an interpretation, but I must still contend that without casuistry, which it would be unworthy of the House of Commons to apply, the proposition of depriving the Protestant Church of its revenues is utterly inconsistent with that article of the Union. That is my deliberate opinion. Some Gentlemen have stated that no precise reference to the temporalities of the Church is made in that article, and I have heard some allusion in the course of the debate to the case of the Union with Scotland. I beg pardon of the House, if I am obliged to state at some length facts which are well known, but it is necessary to make a complete statement of the argument. I must say that, with respect to Scotland, so far from thinking the case of the Union with Scotland analogous to that with Ireland, it seems to me directly the converse in all the most striking particulars. In Scotland at the time of the Union, the religion of the majority of the people of that country was the religion of the State. In Scotland at the time of the Union, the religion of the majority of the people of that country was the religion of the representative body. In Ireland at the time of the Union the religion of the minority was the religion of the State. In Ireland at the time of the Union the representative body were exclusively Members of the religion of the minority. So far therefore were the cases from being parallel that they were the converse of one another. With respect to the temporalities of the Church of Ireland and the temporalities of the Church of Scotland, while there were express articles in the Act of Union with Scotland, that the rights, privileges, discipline, and forms of the Church of Scotland should be maintained, no allusion was made in direct terms to the Temporalities of that Church. In fact the article with respect to the Churches as to Temporalities stood on the same ground exactly in both Acts of Union; and Parliament cannot therefore give a strained interpretation to the article of the Act of Union with Ireland respecting the Temporalities of the Established Church of Ireland without being liable to be called upon to give the same strained construction to the corresponding article with respect to the Temporalities of the Church of Scotland in the Act of Union with that country. England is bound to maintain the rights, privileges, and forms of the Church of Scotland, and as I contend its property, by the Act of Union with Scotland; and England in like manner is bound by the Act of Union with Ireland to maintain the Church of Ireland in the same state as it was in at the time of the Union with regard to the possession of its property; and this was declared to be a fundamental and essential article of the Union. I am not aware that I have misstated the effect of the article, and the noble Lord (Lord John Russell) will, I believe, agree with me, that that article was studiously framed to maintain unimpaired the endowments of the Church, and without resorting to casuistry, to justify the commission of a gross breach of faith it is not possible, to say we are justified in depriving the Protestant Church of Ireland of any portion of her property for purposes not connected with the immediate advantage of that Church. The hon. Member for Sheffield (Mr. Ward) and the right hon. Gentleman (Mr. V. Smith) both referred to pledges given by Parliament at the time when his Motion for the Repeal of the Union was made in 1833, and stated that Parliament had declared that it would do its utmost to remedy every just complaint of the people of Ireland, and make every effort to pass well-considered measures for that purpose; something also has been said of the ab-

sence of all measures for the benefit of Ireland which has marked the present Session. Now, with respect to the measures which have been brought in or passed since the debate on this question last year, —in the first place, an important alteration in the Poor Law of Ireland has been effected, by which the poorer portion of the community has been relieved from what they felt to be an oppressive rate. That remission to them, had been a real, substantial benefit. I have heard with extreme regret comments made by some hon. Members on two measures relating to the franchise, which have, however, been well received in Ireland. I speak confidently and sincerely when I say that those measures had been framed by Her Majesty's Ministers in a spirit of honesty, and with a sincere desire to extend the Franchise and to improve the county constituency, and to give every facility for the free exercise of popular rights. I am prepared to show that the first of these measures, the County Registration Bill is framed so as to insure the removal of a grievance which exists —namely, it is calculated to arrest the progressive diminution in the county constituency. I am prepared to show that the Bill affords a considerable enlargement of the county franchise, and also, by its provisions an increase of the civic franchise. Her Majesty's Government have also prepared another measure, which, for the first time, this night I have heard condemned in this House. I have, however, not heard any condemnation of it from Ireland. I refer to the Bill for equalising the municipal franchise between Ireland and England. It is proposed by this Bill to assimilate the municipal franchise of Ireland with the franchise in England, to make it identical and it is anticipated that real benefit to Ireland will be the result, because one ground of complaint and discontent will be removed. It has been said that no step has been taken to push forward the Bill for facilitating Catholic endowments; but the taunt is undeserved, as it is the intention of Government to proceed with it as soon as possible, and they are in hopes to be able to carry the Bill in the present Session. I may state shortly the effect of the Bill. Certain grievances have been proved to exist. With reference to charitable bequests, there is a board in Ireland for the management of them. In that respect, as well as in others, there is a difference between England and Ireland, and amongst other differences there is this, that it may be doubted whether the law of mortmain extends to Ireland. The state of the law however presents very considerable difficulties in limiting trusts for the endowment of Roman Catholic priests in Ireland. To enable this board then to receive charitable bequests, such as Roman Catholics would be likely to make, it is the intention of Her Majesty's Government to introduce a Bill having that object in view; and to insure its success, it is intended that the board should in future contain several Catholic Members who, both in number and in character, would be likely to possess the confidence of the Catholic body; and it is intended to enable that board to receive endowments for the benefit of the Roman Catholic priesthood. A Bill for the purpose of accomplishing these objects, it is the intention of Her Majesty's Government to introduce, and it is their determination likewise to use their best endeavours that it should during the present Session pass into a law. When hon. Members recollect what has been done to allay discontent in Ireland, through the medium of the Tithe Commutation Act, the extension of the county franchise, respecting the inadequacy of which so many complaints had been made by hon. Members opposite, the assimilation of the franchise in municipal towns of Ireland to the franchise in this country; when they recollect, that the Government now propose to reconstruct, by a Bill, the Board of Charitable Bequests, by adding to it Catholic Members who should inspire confidence in the Catholic body and who would specially be empowered to receive and hold endowments for the Catholic clergy; and though last, not least, when they recollect, that Her Majesty's Government intend this year to propose an increase of the vote for national education in Ireland to the extent of one-third of its former amount, making the grant upon the whole 70,000*l.*; I think hon. Members will give credit to Her Majesty's Government for having given proofs of their sincere desire to allay discontent, and to remove all just causes of complaint with respect to ascertained grievances in Ireland. It is possible, from the unhappy religious differences which embitter what is framed in the spirit of kindness and charity, that Ministers may be defeated in all their beneficent objects; but it is their sincere desire to prove to

their Roman Catholic fellow subjects, that everything which will gratify their wishes consistent with a sense of duty to the policy of this state, and with the solemn engagements of national compacts, they are not only ready, but anxious to effect. But as to this Protestant Church, which is considered by the Roman Catholics, as we have been told, as a type of inferiority, I must say that, having looked at the question deliberately, I am not prepared to take either a small or a large portion of its revenues with a view to transfering them to Roman Catholic endowments, or of applying them to secular uses in which Roman Catholics can participate. As a pecuniary question, it is said to be of little consequence; but that the subversion of the Church is looked on as a point of honour, feeling, and policy; and I am bound to say that, to a proposal for transferring its revenues, in any shape, to any other party I will never give my consent. It has been said that Protestantism in Ireland means Protestant property. I am inclined to believe the converse of the proposition, it is at least equally true, that the subversion of the Protestant Church means the recovery by forfeiture of Protestant estates in Ireland. Well, at the time Emancipation was passed, if it had been said that when you emancipate Roman Catholics the maintenance of the Protestant Church will be impossible, the declaration would have been scouted by hon. Gentlemen opposite exactly in the same way as they now deny that to subvert the establishment, and to strip it of its property, will give such a shock to the title of Protestant property that forfeitures will not stop at ecclesiastical endowments. It is said that declarations cannot arrest events. That may be true; but I am quite satisfied there frequently arises a crisis in which a frank exposition of the nature of the danger, if it does not avert it, at all events prevents any headstrong, bold, and dangerous resolution, taken under false impressions which may precipiate the evil, and hasten the catastrophe. Those entrusted with power are bound to state what they can do, and what they cannot do. For my part I can only repeat, that the attempt—I will not say to subvert the Church, that might be disavowed—but to take a large portion of its revenues, either for Roman Catholic endowments, or for secular uses, is forbidden by justice, forbidden by the Compact entered into by the United Parliaments, and forbidden by the sanction of the highest moral obligations. On these grounds briefly stated (I have more than once urged them at length on former occasions) I shall give my unhesitating and uncompromising opposition to this Motion, which on the face of it is unmeening; but if it mean what I suspect is unjust, dangerous, and indefensible.

Lord *John Russell:* Sir, the question now before the House is in itself of such importance that I shall endeavour to confine myself to its proper limits, and avoid as much as possible any of the other important subjects regarding the state of Ireland. I do so the more readily, both because I have had an opportunity in the early part of the Session, of stating to the House the opinions which I hold with respect to several of those questions, and because there now stand on the Books of the House Notices of the Motion to be brought forward by my right hon. Friend the Member for Waterford, and the Bill regarding Registration, which will bring two of those important subjects under the consideration of the country. But at the same time, while I wish to avoid dilating upon these subjects, it is impossible in considering the question before us, to put out of view the state of Ireland. The noble Lord the Secretary for Ireland, in his speech of last night, rested the defence of the Church mainly upon prescription. He adverted to the speech of my right hon. Friend the Member for Edinburgh, delivered a few nights ago, and the noble Lord stated that he considered that a prescription of 300 years was a sufficient reason to induce the House not to interfere with the temporalities of the Church of Ireland. Now, Sir, passing by the question which my hon. Friend then addressed himself to —and it was a totally different question from that which is now under the consideration of the House—I should say that the argument of the noble Lord might have force in it, if this were not a question of great urgency—of great peril I should say, in the present state of Ireland. It cannot, I think, be urged that prescription is to be paramount on a question of this kind; because, I may ask, if that is to be the case, how is it you justify the interference, 300 years ago, with a longer prescription than that? I think that with respect to England, at all events, the prescription was rightly interfered with. I think that the circumstances of that day and the revulsion of religious opinion which took place in

England was a sufficient ground for the change in the Ecclesiastical Establishment, and in the application of the temporalities of the Church of England, which was then enacted and sanctioned by Parliament. But it was an interference with prescription, it was setting aside a very long prescription, to deprive the Catholic Church of the whole of the property which then formed the temporalities. And, Sir, if we look to the present state of Ireland, if we look to the proceedings which took place last year, when three or four millions of people assembled to declare their discontent with the Government under which they live—when we see that after legal proceedings have been taken to suppress, as was said, the agitation, there still remains discontent, that there still remains the Repeal Association, the evidence of that discontent, with its exchequer more flourishing, I believe, than it was even last year,—I should say these are proofs that there must be some grievance in the state of Ireland—something of which the people of Ireland have to complain, to which this House ought to give its most serious consideration. And as one of those who wish to maintain the Union, who deny that the Repeal of the Union, even in the view taken by that part of the Irish people who are Repealers themselves, would be a benefit to Ireland, I feel myself obliged to look for other remedies. I cannot admit on the one hand, that so much discontent pervading such large masses of people, showing itself so continually in manifestations which cannot be mistaken, I cannot admit that their complaints must be altogether unfounded. I cannot admit, at the same time, that the remedy which has been proposed by the people of Ireland themselves, namely, a Repeal of the Act of Union, would be a remedy which this House ought to sanction, or which would remove the grievances of that people. Then, Sir, among the questions to which our attention is turned, a most important one is that which my hon. Friend the Member for Sheffield has brought before us—the state of the Church of Ireland. The right hon. Gentleman has said most truly, that my hon. Friend stated his case with great ability and perspicuity. The defence of the Church of Ireland was undertaken first by the noble Lord the Secretary for Ireland, and then by the right hon. Gentleman the Recorder of Dublin, who peculiarly represents as Member for that University, the Clergy of the Church of Ireland. Now, on listening to the right hon. Gentleman as the avowed defender of that Church, I was surprised that he altogether left out of the question the condition of religion in that country. Any one who heard him might have supposed that here was a Protestant Church in a Protestant country, that my hon. Friend had stated there were certain abuses in its constitution, and that the right hon. Gentleman, denying the existence of those abuses, and showing that there was no cause for reform, was proving, as he thought satisfactorily, that that Church should be maintained in its present extent and integrity. But, Sir, is that the question? is that the present state of Ireland? Does not the right hon. Gentleman who is the defender of that Church himself admit, what we know has been too generally the case, an extraordinary inattention and neglect to the faith of the great majority of his countrymen in Ireland, when he puts the question on that issue? I am ready to make greater concessions than any one has yet made to the right hon. Gentleman. For the sake of argument I will admit that his 81 cases of plurality and his 109 cases of non-residence are in course of reduction, and that in a very few years there may be no case either of plurality or non-residence. I do not think he can wish me to go farther. And yet, putting the case in that shape, I still say that the state of the Church of Ireland is an anomaly and a misfortune in that country, and that it requires the most serious attention. We may find it very difficult to say what it is now necessary for us to do; but as to the case of the Church of Ireland, the cause of complaint is a very short one. It is this—that here 800,000 or 850,000 persons, out of a population of 8,000,000, are the only part of the people whose religious instruction is cared for by the State, receiving a sum of 650,000*l.*, or thereabouts, yearly, for the support of their Church Establishment. That merely in this statement appears to be a case which has no parallel in any other country in Europe. Now, this being so plain and obvious a cause of complaint among the people of Ireland, which anywhere else would be called a very pressing and intolerable grievance—the right hon. Gentleman, an Irish Member, stating the case of the Church of Ireland, altogether omits it, entirely forgets the existence of those six millions and a-half of Roman Catholics, and thinks this element to be no part and parcel of the subject matter of consideration, when we have the

question of the Church of Ireland before the House. Sir, I believe there is no such case at present existing in Europe—no case of any Church of this kind. I believe the only thing like a parallel to it that can be found in history is the state of the Episcopal Church in Scotland during the reigns of the Stuarts, under which that country was convulsed with disturbance and insurrection, and oppressed with tyranny and wrong. The same uneasiness, attended by symptoms which are different only because this age is different from the 17th century—the same marks of discontent, arising out of the same disposition to monopoly, and to inflict a religion which is not that of the people on the rest of Ireland—exist with respect to that country, as formerly existed in the case of Scotland, and I cannot but believe that some remedy is required before you can expect peace and tranquillity to be restored in Ireland. I will now take the objections which have been urged against our entering upon the consideration of this question in a Committee of the whole House. The noble Lord the Secretary for Ireland states that there is an article of the Union which binds us to keep the Church intact. The right hon. Gentleman the Secretary of State argues that ground not in the very temperate, and I should say cautious manner in which it was treated by the right hon. Gentleman at the head of the Treasury on a former occasion, but he puts it higher than I ever heard before. His view is this —that the words being the same with respect to Ireland, in the treaty of Union, as were employed in the former treaty with respect to Scotland, you are obliged to maintain in complete integrity the Church of Ireland and its property, as they existed at the time of the Union. I was astonished—I could hardly repress my astonishment at the moment, to hear such a statement from the right hon. Gentleman, because he was a party to a Bill which took away a considerable part of the property of the Irish Church, to the amount of about 300,000*l.* a year. That revenue was not devoted to the support of the Catholic Church, nor, indeed, to any ecclesiastical purpose, but to the very unsatisfactory end of swelling the rent-roll of the owners of land. The right hon. Gentleman was a party to the Bill brought in by the noble Lord opposite with respect to the temporalities of the Church. Now, was not this objection then stated? I will cite it to you, as it was urged by two very high authorities. First, I shall take Mr. Lefroy (now Mr. Baron Lefroy), who for his knowledge of the law has by Her Majesty's present advisers been placed in the high station of one of the Judges of Ireland. What said he of the Bill which the right hon. Gentleman supported, as one of the Cabinet by which it was brought in? Speaking of the Protestants of Ireland he said:—

"If dissatisfaction and disgust should be excited among them at the passing of this measure—and such a result was sure to follow its enactment—was it not to be apprehended that the Protestants of Ireland would begin to doubt as to the utility of the Legislative Union? To those apprehensions it should be added, that this measure not only violated the Coronation Oath, but also directly violated that Act of the Legislature under which the Union of the two countries under the Crown was established. Was it too much to suppose that the Protestants of Ireland, hitherto the firmest supporters of that Union, should join with those who called for its repeal?"

Why, Mr. Lefroy stated his objection to that Bill as strongly as the right hon. Gentleman objects to the present Motion, and his ground was—a fair ground, according to the right hon. Gentleman's present statement—that the Vestry Cess was abolished, and that its burthen, which had pressed so hard on the owners and occupiers of land, was transferred to the property of the Church. But there was a still higher authority, from whom came the objection with respect to that Bill—the Archbishop of Canterbury. I quote the words of a Prelate, not accustomed to deal in declamation, or to use terms of exaggeration with respect to any measure he thinks it his duty to oppose, who states temperately and fairly what he thinks on the defects of a measure—who thus expressed his objections to a Bill which the right hon. Gentleman who now holds so closely to the Act of Union supported:—

"The principle of reform which it contained was only a subordinate consideration; that conciliation which it contemplated would fail; he objected to it because it went to apply the property of the Church to purposes for which it was not intended; he objected to it because it would give a triumph to the Catholics over the Protestants which would not tend to the harmony of that country; he objected to it because it was the most sweeping measure which had ever been applied to the Church; that it dispossessed the property of the Church from its ancient owners, and gave it to others who had no right to it whatever; and, what was more, that the Bill contained not one word to make this a

special case, and to state that it should not be drawn into a precedent, and that its principle should not be applied to any other corporation in the Kingdom."

Thus the Archbishop of Canterbury stated to the Bill, to which the right hon. Gentleman was a party, objections as strong as any which he or his colleagues can apply to the Motion of my hon. Friend. The Archbishop of Canterbury in the latter part of what I have read asserts, that the measure might be used as a precedent, because there was nothing in it to state that it might not be drawn into a precedent. Certainly, if there had been a word in that Bill to state that it should not be drawn into precedent, I should not have been a party to it, because, although I considered it a most useful measure, I thought it would be followed by other reforms of the Church of Ireland, which would be required in the course of years. But, if this be the case, let not the House be frightened by the denunciations of the right hon. Gentleman; let them not be alarmed at his statement, that the Act of Union will be violated. The right hon. Member for the University of Dublin, likewise used some rather harsh terms with respect to the Bill of which I have spoken during its progress. [Mr. *Shaw*: Only on the reduction of bishops.] The right hon. Gentleman objected to several parts of the Bill, and especially to the proposal that clergymen should not be appointed to parishes where divine service had not been performed for three years. He said, with a taunt, that if such friends of the Church had introduced such a Bill at the time of the Union, half the parochial benefices of Ireland would have been abolished at that period. Such was the way in which the right hon. Gentleman treated that Bill. But now he speaks of it as of a measure of reform brought forward by the friends of the Church. He says, that with respect to friendly measures, you have gone as far as you can go; and he urges that having done so much in the way of friendly reform, you should not listen to the enemies of the Church. It is very consoling for one who has sat on the Treasury bench, and heard much invective against that Bill, from Mr. Lefroy and his followers, to find that that Bill is treated with so much respect now, and is acknowledged to be what it was, a useful measure of reform. During the time I have sat in this House I have seen measures passed which I heard denounced as the destruction of the Constitution three or four times over. I have seen, according to those prophets and denouncers, the Constitution actually destroyed; and yet, within two or three years, I have heard the same persons again prophesying that the Constitution would be destroyed, though it had been proved to be as healthy and flourishing after its destruction as it had been during any part of its existence. I should expect, really—if my hon. Friend has the good fortune to obtain a Committee on this proposal of his, and if measures in accordance with his views are proposed to the House, and so modified as to receive its approbation—that in the course of a very few years we should hear the right hon. Gentleman again saying, "Do not make any further innovations in the Church; the last measure you carried was a very wholesome and friendly measure; it was adopted on the very amicable suggestion of the Member for Sheffield, but do not trust to any hand less friendly and kind than his, and leave the Church alone, according to the happy reform made in the year 1844." If such, then, is the inconsistency of the right hon. Gentleman with respect to the Act of Union, I look with much greater pleasure to the declaration made by the First Lord of the Treasury at a former period of the Session, when he said that although the Act of Union should form an element in our consideration, although there was every reason to respect the intention of that Act, yet if he were asked whether a measure proved to be right and necessary should be abandoned because the Act of Union was stated as an insuperable objection, he would say no. I think the right hon. Gentleman stated that part of the case, at least, very fairly. It may be that Mr. Pitt intended — and certainly there are speeches of his which seem to countenance the supposition — that the Protestant Church should remain as it then was, but that there should be Roman Catholic endowments. I should say, even if that were the intention of the framers of the Act, supposing there now was any prospect of improving the condition of Ireland, and healing the causes of the dissension which has long vexed and agitated that country by some new and different arrangement—I should not be deterred by anything that was to be inferred, and not directly deduced from the Act, from proceeding in that course. From the statement made by the right hon. Gentleman, I think it is intended that there should be endowments

for the Roman Catholic Clergy, but that no part of the property of the Protestant Church should be taken for that purpose. The noble Lord the Secretary for Ireland has likewise stated that he should have in principle no objection to give endowments to the Roman Catholics. Now, if ever that measure comes to be discussed as a substantive proposition, there are very serious objections which will then be made to any endowment for the Roman Catholic Church. Even supposing the Roman Catholic Clergy to consent to receive an endowment out of the taxes paid by the people of England and Scotland, there are objections in their feelings to make any special Roman Catholic endowments, which it might be impossible to overcome. There are objections, I say, which will be felt very strongly, to making the condition of Ireland so entirely different from that of England and Scotland. The Church of England depends on payments made by the land of England; the Church of Scotland also depends chiefly on payments by the land of Scotland; you will then propose a different system for Ireland—that there shall be a large payment from the public funds to the Roman Catholic Church in Ireland, and that only the Protestant Church should depend on the land. Sir, I will now proceed to the question, whether the Protestant Church of Ireland, as it at present stands, so completely answers the purpose of an Established Church that you ought not to interfere with it. The right hon. Gentleman the First Lord of the Treasury, in a former speech of his, treating of this question, after stating what I have just referred to with respect to the Act of Union, said there were decisive objections in his mind to any proposition to take away the property of the Church of England and Ireland, and divert it to Roman Catholic purposes. When the right hon. Gentleman stated in detail what those objections were they seemed chiefly to turn upon this, that while the Protestant Church was ready to ally itself with the State, while it was ready to submit itself to restrictions by the State, and to accept the influence of the Crown in the disposal of its preferments, the Roman Catholic Church was not prepared to make any such concessions. Sir, I cannot think that such an objection should be paramount upon so great a subject. I can well understand that it is convenient for the State, being allied with the Church, to have an influence over its preferments, and the nomination to its Bishoprics; but I own I have considered that an Established Church rests upon other grounds; and with the permission of the House, I will endeavour to state shortly, but I hope explicitly, on what grounds I think an Established Church should rest. Sir, in the first place it is the duty of the State to give the means of religious instruction to the people—I mean with respect to those subjects in which the State itself interferes. If a man commits a breach of trust, he is sent to prison; if a man commits a theft, he is, in all probability, sent to pass his days in a foreign land; if a man commits murder, his life is forfeited. I think then, if the State does all these things, and if the State uses its authority to punish, it should endeavour likewise, by alliance or connexion with some body capable of effecting the object, to give the people the means of instruction—to give to them the means of knowing "Thou shalt do no murder,"—the means of learning the maxim, "Do unto others as you would they should do unto you." I consider it to be the duty of the State, apart from any particular sect or dogma which may distinguish one denomination of Christians from another, to endeavour that means shall be afforded for that end of instruction; but then it may be said, and it is said, "Why should not the people themselves seek for a clergyman to give them instruction in the same manner as they would ask a physician to give them advice?" Sir, the two questions are not parallel. You are not bound to furnish advice for disease of the body, because diseases in themselves are accompanied with such pain and infirmity, that the patient himself readily seeks for advice. It is not so with the passions and diseases which affect the immortal part of man. It is very different when the fever of passsion has the most influence—when the infirmities of self-indulgence have gained the greatest sway—then it is, very often, that the patient himself will be the least inclined to submit himself to any religious instruction. I say, then, for this reason—a reason I think to be of a high nature—the State, as a part of its duty, ought to endeavour that religious instruction shall be given to the people. But then, too, as a second reason, I should say that with respect to the nature of the religion to be taught, it is, in my mind, very often a serious impediment to the communication of that religious instruction, that the teachers of it are entirely dependent upon the people. Everything I have

read—everything I have seen around me tends to show this, and, as I do not wish to refer to anything that might be considered as offensive, I will take the United States of America as an example. In the United State of America—in the slave states of America—there are teachers belonging to every religious sect, which we, in this country, have most admired for their strict adherence to their conscientious opinions, and yet we find that that accursed institution of slavery is there palliated, defended, upheld, by the teachers of religion. Why is this? It appears to me that it necessarily so results, because those teachers are dependent upon the popular voice for the maintenance of their position, and therefore that they do not as fearlessly pronounce the words of truth, that they do not as fearlessly defend the great cause of liberty and human freedom, and the subjection of us all to an Immortal Power, as they would if they felt more independent. But there are other questions, to the consideration of which I am now coming—questions which I think are of great importance, not in a religious, but in a political point of view, and therefore of inferior consequence to those I have just mentioned. The teachers of religion, except where the people are divided into a great number of religious denominations, as in the United States, but the teachers of religion were the people in general, or a great majority, are of one creed, have a vast influence. It is impossible to deny that although their character is that of teachers of religion, if they are respected, if they are looked up to, there is no subject upon which either their advice will not be asked, or upon which their opinion will not in a great degree guide the movement of the people. Therefore it is not altogether safe to have that power left in the hands of persons dependent for the means of subsistence upon the popular voice. There becomes too great a mixture of political movement and ecclesiastical influence, and the State might be placed in danger when there was a great popular movement, and the teachers of religion did not venture to counteract that movement. If there be truth in these statements, then am I right in the position I have assumed. But I now come to the great question, whether the Church of Ireland, as at present constituted, does answer the purpose for which a church establishment ought to be connected with the State? I say, whatever may be the virtues—granting that they are of the most pious of men, that their lives are most blameless and virtuous—still I say that these Protestant teachers, separated by a wide interval from the Protestant people, it is impossible they should have that influence, being in such a minority as they are among the people, which the State would desire that as Ministers of religion they should have. Then I say, that the complaint made by the First Lord of the Treasury, that the Roman Catholics would not connect themselves with the State by giving the State any title to interfere with their preferments and bishoprics, is a subordinate consideration. I say it would be of immense importance if you could make the Roman Catholic Clergy, generally speaking, with regard to a part at least of their revenues, independent of popular passions—if you could unite them to the State by their being so independent, though their political conduct was entirely free and independent, and you did not interfere with a single ecclesiastical appointment—if you left every appointment entirely unshackled, it is of importance they should have some independence of opinion. If that, then, is the case—if the Protestant Church does not answer the purpose of a Church Establishment—if it be desirable that the Roman Catholics should be placed in that situation, let us endeavour to make some steps towards such an object. Let us see how it is to be done. That at this moment you would induce the Roman Catholics to accept any part of the property of the Protestant Church, cannot perhaps be expected. You might not be able to do it. But if you say you are ready to cut down the Protestant Establishment to what the real wants of the people are, you would be making a beginning—you would be laying the ground-work for peace and harmony in that country. I understand, Sir, that there are 217 parishes in Ireland without a single Protestant. Under these circumstances, can the Protestant Clergyman perform that duty which is expected from him by the State, with regard to any one of those parishes? Whatever may be his character and conduct, can he be of any further use or benefit by his residence than any country gentleman with as much income, and of no sacred character whatever? In that case, why not cut down some of this Establishment? It was said, I believe, two centuries ago, by a person who was no bad authority—a Spanish Bishop—

"Let us suppose that the Church is not the whole body, I will take it to be the most valuable part of the body—say the eyes. The

eyes are the most valuable part of the body, and yet no man in order to gain six eyes would part with his legs and arms."

If that was said in a country where all the people are Catholics, how much more is it applicable to the case of Ireland where not above an eighth or a ninth of the people are connected with the Protestant Church? We are apt exceedingly to exaggerate what is really necessary for the support of a Church Establishment. The present Roman Catholic Church in France, where there are upwards of 30,000,000 Catholics, has about 1,500,000*l.* of revenue, and yet more than one-third of that is required for less than 1,000,000 of Protestants. Then the Protestant Church of France has about 150,000*l.* a year. The Presbyterian Church of Scotland was said by Adam Smith to be the most effective in its influence upon the moral conduct and character of the people, and it had a revenue in his time of not more than 58,000*l.* a year. I only allude to these things to show that much less revenue is required for a Church Establishment than we are apt to suppose; and I do not mean to imply any opinion as to what we ought to do in Committee should the House assent to my hon. Friend's Motion. The right hon. Gentleman, the Secretary of State for the Home Department, was pleased to say that my hon. Friend was not so explicit as on a former occasion in his plan with respect to the Irish Church. If, however, my hon. Friend had brought forward the same plan, I should only have said with regard to the Church, as I have said before and as I say now, when once we arrive at the discussion of a practical plan which the House is likely to adopt, then I shall discuss with you the particular merits of your plan, and endeavour to frame something myself, which I will submit to you, and ask you whether you cannot bring your views to agree with mine. But if the right hon. Gentleman supposes that all who vote for this Motion should have exactly the same plan for the Irish Church, he is mistaken. The right hon. Gentleman seems amused with the idea; yet I think, if I recollect right, the right hon. Gentleman and I contended together in a cause in which there were persons who had various plans. He and I voted together for a Committee to consider of a Reform in Parliament. When I proposed this measure for a Reform in Parliament, there were some Gentlemen who used to say with Lord Carnarvon, "Let there be a bit-by-bit Reform; we're for going on gradually." I myself proposed only the destruction of certain boroughs, with compensation to the owners of them. Others, however, went a good deal further. There were some who voted with me, who said that nothing in the way of Reform would satisfy them but Universal Suffrage and Annual Parliaments. Yet with these different opinions we all went out amicably and harmoniously into the lobby, because we all wished in common to see a general Reform of Parliament, and by so far acting together no one was confined to any particular plan. Therefore the House resolved itself into a Committee to consider of a Reform in the Representation of the People, and at length, with the aid of the right hon. Gentleman, we, who had been so diverse in our opinions, proposed a plan of Reform which produced this remarkable consequence, as I heard it observed by one of my then colleagues—that the Reformers were all of different opinions, but now it appeared all Reformers agreed upon one plan of Reform, whilst the Anti-Reformers were split in twenty different ways of thinking. Such is the consequence of acting together for a certain object we believe to be useful; and such, I believe, will be the result of acting together with respect to some change and some Reform to be effected in the Church of Ireland. I have heard some things stated in the course of this debate with which I do not agree. I, too, have said much with which some who support my hon. Friend's Motion will certainly differ. But as in the case of Reform in Parliament, it is necessary to take some step in the first instance, agreeing that the subject is worthy of our consideration, we must proceed at first to lay the foundation for ulterior proceedings. I will trouble the House with very little more, but before I sit down I must refer to one statement of the right hon. Gentleman, in answer to an hon. Friend of mine, the gallant Commodore (Sir Charles Napier), who spoke of our being unable to meet foreign dangers by reason of our weakness in Ireland. The right hon. Gentleman said, that the House ought not to be deterred by such threats. True, we might hold such language as this — we might all say that we are not to be deterred by threats; we are valiant, and nothing can frighten us. But it does so happen that history gives to us an example of men who, upon this very subject, have yielded, and yielded not to apprehensions but to

danger. It is stated by no more factious and revolutionary a demagogue than Lord Grenville, who said in one of his speeches,

"Recollect you refused the demands of Ireland in 1779, but when all the volunteers were in arms those demands were conceded. Recollect, also, that you rejected the petition which asked that the Irish people should have the power of voting for Members of Parliament: but when the danger of a French war was impending over you, you then granted the very thing for which those petitions prayed."

So said Lord Grenville, and, since he spoke, has there not been another example of the same kind? Were we not told, in 1828, that nothing would induce the then Government to grant Catholic Emancipation—that they were not to be intimidated by threats? And yet, what did we see in 1829 but a grant in full of those very demands. If that has been the case, then, upon three occasions, does it behove us to boast now of being so much more courageous than those who have gone before us—aye, than those who live in our own time? Should we not rather consider this as a subject upon which we may now deliberate without the appearance of alarm, without the character of fear—averting that which would be a serious calamity if any danger were impending, and actual discontent and almost disaffection existed in Ireland. And can you tell me that there would not be disaffection in Ireland? You tell me that the Irish people are loyal, and that you can depend upon them. Very likely. It is true they are loyal; more, they are very generous and warm hearted, but when they see you impose upon them a grievance no nation in Europe submits to — when they see what is your rule in England, what is your rule in Scotland, but that you strenuously refuse to apply that rule to Ireland—then, I ask, if the warmest loyalty may not grow cool, if the strongest attachment may not turn into enmity? The prospects of the people are to be clouded with doubt and disappointment because they are poor and uninstructed; poor, because they have not had the privileges and advantages of the people of England — uninstructed, because those means of instruction which they ought to have enjoyed from you, you are now only at the latest moment prepared to give them. If such is your condition—if you cannot find some better and more reasonable argument to justify the present state of the Church of Ireland—proceed with my hon. Friend into Committee; let us consider there all the various arguments that may be proposed to us; let us consider there what the worthy Catholic bishops and clergy of Ireland—for I will call them worthy, in spite of any taunts that may be directed against them—let us consider there, I say, what the worthy bishops and clergy of Ireland will agree to on the terms I would offer; and I would offer none that should not give them full independence, and that the laity of Ireland should enjoy every privilege that the laity of England enjoy. I say, then, go into Committee, and see if proposals made in that spirit will be accepted. Then, if they determine to accept no terms—if they show a rooted hostility to England—you may despair of an amicable termination to this subject. But until you have tried this course, until you have resorted to reasonable, just, and conciliatory measures in vain, you can have no right to say that you have done justice to the people of Ireland.

Sir *R. Peel:* Having in the course of the last Session, and having in the course also of the present Session at no very remote period, had the opportunity of stating fully my opinion with respect to the present condition of the Church of Ireland, it is with very great reluctance I now rise to trouble the House with any observations. Yet I have no alternative, but either to repeat that which I stated so recently, or to appear indifferent to the importance of the question, and to treat with disregard the observations which have fallen from those who have preceded me. It is one of the conditions incident to the position a Minister occupies, that he cannot refuse to adopt, in certain cases, the first of these painful alternatives; and although he may have stated upon a recent occasion his opinion on matters of the greatest importance, yet when they are again discussed, even in the same Session, he has no choice but to present himself before the House. I do not complain of the noble Lord not having in the course of his speech distinctly declared what are the specific measures he has to propose with respect to the Church of Ireland; but I do complain that he has left me entirely in doubt as to what are the principles upon which he would be inclined to proceed, if this Committee were granted: because at one time the noble Lord says he totally differs in some respects from the hon. Gentleman

who brings forward this Motion—that he has heard much in the debate from which he dissents — that many have declared opinions which go much further than those he entertains; yet towards the conclusion of his speech the noble Lord intimated that the people of Ireland are subjected to grievances to which no other nation in Europe would submit. Nay, more, the noble Lord says that the Irish people are justified in their discontent; because they see one rule with respect to the Church Establishment adopted in England, and another rule with respect to the Church Establishment adopted in Scotland, but that we are not prepared to adopt the same rule with respect to Ireland. That opinion has been more than once expressed by the noble Lord, the Member for Sunderland (Lord Howick); but I never understood till to-night that it was the opinion of the noble Lord, the Member for the City of London, that Irish discontent would be justified until you had applied to Ireland the rule you have applied to England—namely, make the religion of the majority the established religion of the State. Yes, that is the length to which, by the latter part of his speech, the noble Lord would go. ["No, No."] Why, what is the meaning of that passage? I am sure it cannot be misunderstood. I have not misrepresented the speech of the noble Lord. The noble Lord did distinctly say—at least I shall believe it till the noble Lord corrects me—that you have adopted a rule with respect to England, and a rule with respect to Scotland; and unless you are prepared to apply the same rule with respect to Ireland, the discontent of the Irish people will be justified. Now, what other rule can the noble Lord mean that you should apply, except it is that the religion which is adopted by the majority should be the favoured religion of the State? The hon. Member for Sheffield (Mr. Ward) invites us to go into a Committee by the usual plausible and specious arguments which are addressed by those who make such propositions. He avoids distinctly intimating either the nature of his plan, or the principles upon which that plan would be established, in case his Motion should be acquiesced in. It is well for the hon. Gentleman to hold that language upon the present occasion. It might be difficult for the noble Lord and other hon. Members to vote for him, unless he held that language. But the hon. Gentleman cannot suppose that we have forgotten what are the principles which he has avowed with respect to Church Reform. He cannot suppose that we have forgotten what was the distinct proposition he made in the course of last year—what the nature of the resolutions he moved—what the distinct intimation he conveyed to us—namely, that he thought it of no use for the House to vote in favour of his resolution unless we were prepared to adopt his plan, which he then very significantly pointed out. He assumed the revenue of the Irish Church to be about 558,000*l.*, and then the hon. Gentleman, acting with the utmost fairness and candour, said, "Don't vote for me, unless you are prepared to adopt my proposal." [Mr. *Ward:* Hear!] Yes, you used these words, "Those who vote for me must not be content with a Church Temporalities Act, or with 'Appropriation Clauses.'" That was the language of the hon. Gentleman, and he further said:

> "I will intimate to you the distinct nature of the proposal which alone ought to satisfy the people of Ireland. I will divide the 558,000*l.* into three parts. I will allot to that Church, which is at present the Established Church, about 70,000*l.* a year. I will give to the Wesleyans and Presbyterians another 70,000*l.*, and to the Roman Catholics I will give the remainder, being about 412,000*l.* of the present emoluments of the Established Church of Ireland."

That is the course which was taken by the hon. Gentleman during the last year, and it was accompanied by a distinct intimation that we should be practising nothing but delusion unless we were prepared to adopt these practical results. Any Gentleman who recollects the discussions of last Session will remember the warning given by the hon. Member for Sheffield, that nothing was more dangerous than to practise delusion by adopting an abstract resolution, without being prepared to carry it out, by acting up to its legitimate consequences. Any man, therefore, who is not prepared to adopt the measures of the hon. Gentleman, will be fully justified in refusing to follow such a leader into a Committee. The noble Lord has made my difficulty the greater in speaking now, because he has had the goodness to remind the House of a great part of what I said on a former occasion, and he has made my task still more painful, by having told the

House what were the arguments I used three or four months since. I do not think the noble Lord did me any great injustice. Others, in the course of the debate, I think have. They affirmed that I attached little importance to the compact entered into at the Union; and that I regarded it as unimportant, unless it could be clearly shown that the maintenance of the Church Establishment was for the advantage of Ireland. I wish not now in the slightest degree to alter the language I then used. I abide by it. The opinions I then expressed are those I now entertain; but they are not the opinions which have been imputed to me by some hon. Gentlemen. I stated distinctly, that although I considered we were not to be bound irrevocably by the letter of the compact, if our conviction told us that such compact inflicted wrong or injury upon the country, yet I distinctly said and stated at the same time that this compact was a most material element for our consideration, and that nothing could have a greater tendency to lower the authority of Parliament, than for you not to keep the faith that you have pledged; that to make such a compact, and then within ten years to violate it—although I do not think that where there is a paramount necessity to depart from it, you are bound, at all hazards and risks, to abide by it, still nothing short of such a paramount necessity could warrant departing from it, and nothing, in my opinion, could be more prejudicial to the authority of Parliament, or more destructive of the influence of the acts of public men, than a departure from such a compact. I stated distinctly my opinion that there could be no national compact having a more binding force than that which was entered into at the Union. But I also stated that I would not rest my defence of the Established Church upon a ground which I thought would be to narrow that defence, namely, the exclusive ground of the compact, but that I would state why I thought, under the present circumstances, that that Church ought now to be maintained. The hon. Gentleman, the Member for Sheffield, has referred to a speech made by me in 1817, and he has referred to that speech on every occasion on which he has delivered his sentiments on the Irish Church. That speech was delivered nearly twenty-seven years ago. I then stated the apprehensions I entertained at that time, that the removal of the Roman Catholic disabilities would not insure tranquillity to Ireland. I stated the ground upon which I apprehended, that after the removal of those disabilities, this question of the Church would be raised, and why I thought it was consistent with human nature that the Roman Catholics would strive to depress the Protestant Establishment and to raise their own. I am rather surprised that the hon. Gentleman should remind me, not merely of the opinions which I delivered in 1817, but also of the statements which were made in answer to those opinions, and which destroyed the impression that my arguments and opinions had made. The speech which I delivered in 1817 was not replied to at the time, but long afterwards. In 1821, the chosen advocate of the Roman Catholic body—the most powerful advocate that they ever had—I mean the present Lord Plunket—referred to the apprehensions I had expressed, and to the arguments I had used in 1817. Now, I do ask the hon. Gentleman, and I ask the House, to hear the counter-statements that were then made—statements which did produce a powerful impression, I admit it—on the reasoning mind of the House. They convinced the Protestant community, at least they went far to convince them, that the apprehensions I entertained were ill-founded. Mr. Plunket, in 1821, presented the Petition to the House from the Roman Catholics on the subject of their disabilities, and on that occasion he made a speech, nearly the highest in point of ability, combining more power of eloquence with power of reasoning than I believe I ever heard. He prefaced his speech by passing the highest eulogium on Mr. Grattan, at the close of which he observed—

> "Never man had treated with more absolute disdain the hollow and faithless popularity which is obtained by subserviency, and preserved by dereliction of principle. He had never, therefore, urged the great measure which he had so cordially espoused, but on terms by which it could be reconciled to the Protestant interest of the country."

Then Mr. Plunket proceeded to make a speech which contained a distinct and detailed answer to my speech of 1817, and I appeal to the House whether or not any speech was better calculated to create an impression on the mind of this country that those arguments which I had used and those apprehensions which I professed

to entertain were altogether unfounded. Upon the authority of the Roman Catholic body which he then represented, he undertook to give a public pledge and assurance that the removal of the Roman Catholic disabilities was compatible with the maintenance of the Protestant institutions. I refer to this that you may beware, unless you are convinced of the absolute necessity of altering the Protestant Establishment in Ireland, how you accept engagements, by showing you how engagements were at that period made which reconciled the Protestant mind of this country to the removal of Roman Catholic disabilities. Mr. Plunket said—

"There are many who really think, and some who affect to think, that great dangers may result from concession to the Establishment. I declare solemnly that if I could enter into that opinion—if I could see anything of peril to the Church or State—dear to my heart as are the interests of my fellow-men, I would abandon these long-asserted claims, and range myself with their opponents."

Mr. Plunket then went on to say,—

"I must particularly apply myself to the right hon. Member for Oxford (Mr. Peel.)

He then went on to pay me some personal compliments, which I will not read, and to refer to the apprehensions which I then avowedly entertained. I will not, however, read that which is the strongest part of the speech, so anxious am I to avoid infusing any religious bitterness into the question. But, after referring to my apprehensions with respect to the Roman Catholic claims, Mr. Plunket went on to say—

"It is really a great consolation to me, that in resisting this argument I at the same time vindicate the Roman Catholics from a frightful imputation cast upon them and upon the Protestants. On the part of the Roman Catholics, I will be bold to say, that they harbour no principle of hostility to our Establishment. The Precedent of the Scottish Union, formerly referred to by the right hon. Gentleman, has really no application to the case; the Presbyterian religion was established at the Reformation; it was incorporated in the Act of Union, and makes part of the fundamental law of the land. The reverse is the fact with the Catholic faith; and every rational Roman Catholic feels himself no more at liberty to attempt the subversion of our Establishment, than to entertain the unworthy purpose of depriving an individual of his property. He knows that the same principle gives him and us life, liberty, and property; and he wisely prefers the Protestant Establishment in an unimpaired state, to a Roman Catholic Establishment in a subverted one. He is bound by the oath he takes, both as a man and a Christian, not only not to make the attempt, but to resist it, if made in any other quarter; and if, indeed, the oath were, as is contended, so contrary to the principles of his religion and his nature, it would be as unjustifiable in the Legislature to impose it as it would be disgraceful in a Catholic to take it. I ask the right hon. Gentleman on what authority he takes upon him, in opposition to the assertions, to the oaths of the Catholics, to brand and burn this stigma upon their foreheads. What have they said or done since the period of the Revolution to show that they mean to touch the Establishment? This is answered by the assertions, that it is no matter what they swear; let them swear what they will, the Catholics must break their oaths and our Establishment must be endangered. The right hon. Gentleman maintained, that he was authorised by his views to exclude them from this state on principles that would make them unworthy of any state. I cannot find in the large volume of human nature any principle which calls upon the Roman Catholic to subvert that state by whose laws he is protected, merely that the heads of his priests may be decorated with a mitre; and the right hon. Gentleman must excuse me if I say, that he equally mistakes the institutions of man, and the principles of human action. The alliance between Church and State depends upon principles of the highest kind, and its consequences are beneficial to any man who professes any religion. The Catholic does not indulge the chimerical notion of heaving the British constitution from its basis, that his priest may wear lawn sleeves and a mitre. If, however, he is excluded from the privileges of the state merely on account of his religion—if he is made an invidious exception in a country which permits the talents and virtues of all other men to advance them to the highest honours; and if this exception extend to his posterity—"*nati natorum et qui nascentur ab illis*," they will indeed have a sufficient motive to aim at the destruction of that State which heaps upon them only so heavy a load of injustice."

These opinions and arguments of Mr. Plunket prevailed over the public mind. A great change was wrought in the public opinion, and in the year 1829 it was my task, acting from a paramount sense of public duty, to propose the repeal of the Roman Catholic disabilities; but I think I had a good right to conclude, from the declared opinion of the chosen champion of the Roman Catholics themselves — speaking distinctly with their authority — that the removal of those disabilities was compatible with the maintenance of the Protestant Establishment, and that they did not regard the maintenance of

that Establishment in the light either of an insult or an injury. I had a right to draw this conclusion, and that it would not be just in me to persevere in acting upon my own reasoning as to the general principles of human nature against the solemn declaration of the Roman Catholics that my construction of human nature was totally erroneous, and that their most powerful and ablest Protestant champions repudiated the belief that the giving Roman Catholics relief from their disabilities would be in the slightest degree injurious to the Protestant Establishment. Then with respect to the Union, I think there cannot be a doubt that Mr. Pitt intended to assure the Protestant mind in England and Ireland that the Protestant Establishment as it then generally existed should be thereafter maintained. It is quite a different question, whether we are bound literally to adhere to the compact, even if we believe it to have been made. But the hon. Gentleman attempted to show that Mr. Pitt, at the time of the Union, never entered into any such engagement; but that, on the contrary, he had entered into an engagement to deprive the Protestant Establishment of a part of its emoluments. That proposition I entirely deny. When in 1799, Mr. Pitt brought forward the Act of Union he followed exactly the course which was adopted at the time of the Union with Scotland. In the resolution of 1799, the words are—"doctrine, discipline, and government of the Established Church." In 1800 some additional words were introduced, providing that the bishops and clergy were to sit in convocation, but this and other alterations were rejected, and the Resolutions of 1800 were in conformity with those proposed in 1799. The hon. Gentleman would not find a single word in any of the speeches of Mr. Pitt, Mr. Grenville, Mr. Dundas, Lord Castlereagh, and the other great men who took a leading part at that day and spoke from authority, which countenanced the impression that the temporalities of the Irish Church were not to be maintained. My opinion is, that Mr. Pitt did contemplate, at the time of the Union, the removal of the Catholic disabilities, and I think assurances were given to the Roman Catholics which entitled them to expect the removal. I think also that Mr. Pitt and Lord Castlereagh contemplated a separate endowment of the Roman Catholic clergy, but I do not believe that they ever intended that any portion of that endowment should be derived from the emoluments of the Protestant Establishment. I have already said, that I do not think we are bound to adhere for ever to compacts, after the reason has been convinced that public evil will arise from such an adherence to them; but I think the hon. Gentleman has failed to show that there was any other compact than one to maintain the temporalities of the Irish Church. I still adhere to my opinion, that if ever public engagements were made for the maintenance of any public institution, those engagements were made at the time of the Union, when the Protestant Parliament of Ireland consented to the relinquishment of their independence as a Parliament, and I must say, as an actor in the great event of 1829, that I do believe it was the intention of the Government or of the Parliament of that day to create an impression in the Protestant mind of this country that the removal of the Roman Catholic disabilities was not only compatible with the maintenance of the integrity of the Church, but that the integrity of the Church should be maintained. I therefore adhere to the opinion that those considerations should form a most important element in your decision on this question, and that it has a great tendency to shake the confidence of the people in the assurances and the engagements of a Government trying to prevail on the people to relinquish long cherished opinions, and in the decisions and good faith of Parliament, if under any other obligation than that of paramount and overpowering necessity you defeat the expectations you have raised by your assurances. But, Sir, I found my advocacy of the Church Establishment in Ireland upon other and upon higher grounds, the nature of which I will shortly state. I think it of the highest importance, looking at the public, and particularly the ecclesiastical, policy of this Empire, that there should be an Establishment of religion in each part of the United Kingdom—that is, some form of Christianity supported by, and incorporated with, the State. There are some who are adverse to Establishments. I cannot concur in their opinions. I think it of the highest public importance that there should be religious Establishments in all countries, for the sake of their re-

ligious interests. There are some who suppose you would have religious peace if there were no such Establishments, and that jealousy of those Establishments excited religious bitterness and ill-will. I cannot say I entertain such opinions. And if I were to judge by recent experience, the opinions I had entertained from previous reasoning would have been confirmed by my experience; for I have seen on a late occasion, in which the cause of dispute was not between the Establishment and Dissent, but where the question simply was, whether what seemed to me certainly a mere act of justice should be done to some of those dissenting from the Establishment; and there was an opportunity of seeing how far the existence of an Establishment was the cause of those feelings of animosity and ill-will. Now, without wishing to say anything disrespectful, I must observe, that judging from the interviews I have had, and the letters I have received, there have been greater instances of religious animosity and jealousy between different classes of Dissenters than I ever saw between them and the Church. I should have thought the existence of the Church would have probably allayed these animosities and jealousies among contending sects. I should have presumed, that having been long engaged in common cause, and having recently been united against the Church and the Government upon the subject of Education, and having long been linked together in what they have termed the cause of civil and religious liberty, and having prevailed in many instances through mutual co-operation—I should have presumed that the claims of one body of Dissenters would be viewed by the other without any enmity or jealousy. I cannot, however, say that such was the case; and I repeat again, that there was more of enmity and ill-will expressed among the different classes of Dissenters, than ever existed between them and the Church. I do not believe, therefore, that the Church can be considered as the cause of religious animosity; or that its destruction would insure religious peace. If that step be granted to me, then arises the question what form of religious Establishment shall be incorporated with the State? I answer that the public policy of the country would direct a preference to a Protestant Establishment. I find that public policy has made this country a Protestant State—it is the religion of the Sovereign, and the general course of our Constitutional Law, so far as religion is concerned, seems decisive in favour of selecting a Protestant Establishment. Am I at liberty to select another? I have been told in this debate that the Roman Catholics prefer total independence to a union with the State of any kind. I think you cannot have an Established Church connected with the State without that Church submitting to stringent laws permitting the exercise of influence in its appointments. I think it would be a great evil to assign emolument to a particular form of religious worship, if the influence of the Crown over the appointment of spiritual professors was entirely destroyed. I should be sorry to see the election of Bishops perfectly independent of the influence of the Crown. I should be sorry to see the Church exercising the powers it formerly possessed in Convocation. I consider it of great importance that the spiritual authority of the Church should be restrained as it is now restrained, and made subordinate to Parliament. [*A cheer.*] I wish the hon. Gentleman would be good enought to cheer exactly in the place which would enable me to judge whether he assents to or dissents from my proposition. ["Hear, hear."] Then I am to presume that he is in favour of the powers of the Church in convocation? ["No."] What I am contending for is, that the Church, which has a right to certain emoluments ought to be subject to certain legislative regulations. I should object to spiritual authority exempt from all civil control. I should object to its exemption from that species of influence now exercised by the Crown. Instead of leaving the election of Bishops according to the technicalities of the law, to the Chapters of cathedrals, I prefer the existence of the influence of the Crown. But the Roman Catholics tell us distinctly that they are not prepared to permit the exercise of any such control over their spiritual appointments; therefore if there were no reasons for a decided preference of the Protestant faith, let me say that in Ireland the terms offered by the two parties are not equal. The Roman Catholics claim a perfect spiritual exemption—the right of regulating their spiritual affairs by their own intrinsic authority. What then is it they ask of us—of us, the legislators of a Protestant state? They say, "We do not want your emoluments; we do not

ask a participation in them; we not only would not take them on the condition of interference, but we think that the acceptance of emoluments, even accompanied by spiritual independence, would lower the authority of the ministers of our Church. We ask you, however, not to exercise your own discretion in the matter, but to appropriate the emoluments to secular purposes." I confess that that appears to me a most unreasonable proposition. I do think, without injury to the Roman Catholics, and still more, without insult to them, that we have a perfect right to appropriate the emoluments of the Church to that form of religious faith which we think it desirable to incorporate with the State. You say, "What we contend for is religious equality." That equality is perfectly intelligible as applied to civil rights, but when you say that you contend for religious equality, I ask you to tell me what you mean? The noble Lord (Lord John Russell) is for what he calls religious equality. Would the Roman Catholics consider it religious equality to have merely a division of pecuniary emoluments, the Church of Ireland retaining the other privileges it possesses? The Church of Ireland has a right to representation in the House of Lords. Does the noble Lord contend for the exclusion of the Protestant Bishops of Ireland? If he does not, is that religious equality? Will it be religious equality unless the noble Lord gives the Roman Catholic Prelates seats in the House of Lords? Then, are the churches as well as the emoluments to be given up by the Protestants? Are the churches which have been built by the contributions of the Protestants to be handed over to the Roman Catholics? If you hand over the emoluments, it seems to me that it will be no great advantage to retain the churches. Let me tell the noble Lord that that principle of religious equality which sounds so specious, is one which will lead you to a total alteration of the ecclesiastical policy of the country; by attempting a partial alteration you will not be fulfilling your own intentions, or giving satisfaction to the Roman Catholics. But if you carry your intentions to the full extent, depend upon it that you will establish principles in Ireland which will re-act on this country, and be considered a precedent for a complete change in the ecclesiastical policy of other parts of the Empire. When the present Earl Spencer brought in the Bill for the extinction of ten Bishops of the Protestant Church in Ireland, it was hailed with delight (such was the expression) by Mr. O'Connell and other Roman Catholic gentlemen; and it was admitted by all on that side of the House that it was a most important Reform, calculated to strengthen the Church: ten years only have passed away, and although that measure was introduced, although it was a curtailment of the emoluments and a great reform of the Church, yet now, in the year 1844, stronger language is used upon the subject than ever was employed before. The Church of Ireland is now denounced as an insult and an injury to the Roman Catholics of Ireland. Now, what right have I to infer that, supposing we go into this Committee which has been moved for by the hon. Gentleman opposite, and who, ten years ago, did not use language one-tenth part so strong as that which he now uses—what right, I say, have I to infer, judging from past experience, that satisfaction and contentment will be the result? At the same time, I admit that every reform compatible with the maintenance of the Church ought to be introduced. I admit that the pluralities which now exist ought, if possible, to be abolished, and that where there is non-residence such non-residence ought to be put an end to. I am therefore unwilling to enter into the Committee, not because I am of opinion that in its present state the Irish Church is perfect—not because I am opposed to the reform of that Establishment—not because I am opposed to a greater equalization of the revenues—not because I am opposed to the increase of the emoluments of the working clergy—do not mistake me, not on that account do I refuse to enter into the Committee; but, seeing that this is not a question of revenue—seeing that an alteration of the amount of the revenue by a deduction of 50,000*l.* or 100,000*l.* from the revenues of the Church will not give the slightest satisfaction,—thinking it infinitely safer to stand on compact—to stand on the pledge that was given by Parliament—unless the overwhelming necessity of public policy compels me to change that opinion—not being now convinced that there is that overwhelming necessity, believing that the Church is more secure, opposed as it is by a formidable hostility, in consequence of retaining the present amount of its pro-

perty—thinking it desirable to have an Establishment,—thinking that a Protestant Establishment is entitled to the preference, believing it to be for the interest of religion that that Establishment should be maintained—although I may be willing to improve in detail its constitution, yet, after the avowal of his opinions by the hon. Gentleman opposite (Mr. Ward), knowing that he contemplates the total subversion of the Church, I will not consent to raise those delusive hopes which I should raise if I acceded to his proposal for going into Committee.

Lord *J. Russell* explained. The right hon. Baronet had alluded to sentiments he had formerly expressed, and he (Lord J. Russell) might have used words liable to misapprehension; but he had never meant that there should be any supremacy of the Roman Catholic religion.

Mr. *Sheil:* I hoped that the First Lord of the Treasury would have spoken later in the debate; — I should then have been able to address the House, avoiding the charge of presumption in rising to speak after the right hon. Baronet. But the subject is one immediately connected with the interests of my country, and I have so often ventured to take a part in discussions of the kind, that I may, perhaps, so far hope for the indulgence of the House, as to be allowed a brief hearing. I listened with great attention to the right hon. Baronet—for I was particularly solicitous to discover whether there was any coincidence of opinion between him and the noble Secretary for Ireland, and the right hon. Baronet the Secretary for the Home Department, on a subject to which the two latter more than adverted. It must have struck every man in the House that the noble Lord the Minister for Ireland, at the very opening of the debate, referred to the most important topic of the endowment of the Roman Catholic Church. He said, and of course he did not say it without purpose and without previous meditation on the effect it would produce, that he always had been, and continued to be, favourable to an endowment of the Catholic Church. His isolated opinion, considering his connection with and relation to the Government of Ireland, would have been of great value; but after him, when I found the Secretary for the Home Department, within whose peculiar jurisdiction, we were told by the Prime Minister Ireland is, adopting the same opinion, and saying that in 1825 he had been favourable to the proposition of the noble Member for South Lancashire for giving 400,000*l.* a year to the Roman Catholics, I was anxious to know what course the First Lord of the Treasury would take on the question. As it must necessarily have been a matter of deliberation in the Cabinet, I am surprised that the subject was not adverted to by the right hon. Baronet at the head of the Government. If you, who have Ireland within your immediate department, are prepared to endow the Roman Catholic Church, give me leave to ask what step you intend to take in reference to the College of Maynooth. You said that the Roman Catholics would not accept an endowment, and you are surely not about to offer them what you know they will refuse, and to withhold what you know they are willing to accept? The endowment of the Roman Catholic Church may be liable to great objection, but the increased endowment of Maynooth is not liable to any. There you are only building upon a foundation deeply deposited; you feel the necessity of an increased endowment, and there are many who say either sweep it away altogether, or make it what it ought to be. Yet you are, by an indirect intimation, tendering an endowment to the Roman Catholic Clergy, which you are aware they will not take, and you are silent upon a subject where your silence is expressive indeed. Can you imagine it possible, if you were to endow the Roman Catholic Clergy, that the people of this country would submit to the payment of the Roman Catholic Clergy out of the Consolidated Fund, when there exists a fund in Ireland amply sufficient and applicable to all the purposes of religion? You propose to make the Roman Catholic Church an institution, to the payment of which the funds of the Protestant Church necessarily become applicable. Do you think that when you endow the Roman Catholic Church, you can do it without making large deductions from the revenues of the Protestant Church? Do you mean to lay a tax on Protestant Irish landlords for the purpose? You have just compelled them to pay Poor-rates, and now you would drive them to make contributions for the maintenance of what they consider an idolatrous Church. I think that the right hon. Baronet is involving himself in

greater difficulties—in a maze of more complicated embarrassments — by thus consenting to the hypothetical endowment of the Roman Catholic Church, than by consenting to a well proportioned diminution of the superfluous revenues of the Protestant Church. The right hon. Baronet considers it contrary to the Act of Union to diminish the revenues of the Protestant Church in Ireland; but, as has been already suggested, his protestations and his practice are at variance. If so, how could he consent to abolish Church-rates in Ireland? How could you consent to the confiscation of the one-fourth of the tithes in Ireland? How could you consent to the Bill of the right hon. Baronet (Sir Henry Hardinge)? True it is, that the right hon. Baronet (Sir James Graham) was not a Member of the Administration of 1835; neither he nor the noble Lord were Members of that Administration. At that period they thought it was incompatible with their political consistency to unite with those whom they had opposed for so many years; yet, although they were not parties to the introduction of that Bill, they are now conjoined in office with the men from whom that proposition originated. [Lord *Stanley:* We supported it then.] Then everything I want is conceded. You agreed that 25 per cent. should be abstracted from this Church, and should not be applied to the public, but to be deposited in the coffers of the Irish landlords. ["No, no."] Is not that the case? Every one knows that 25 per cent. were taken from the Church and given to the landlords. What name shall be given to that change? Shall I call it confiscation? [Mr. *Shaw*: No; an allowance.] That is a distinction worthy of "the schools" and of a scholastic doctrine in which I am not versed. [Mr. *Shaw*: I call it allowance.] I am no match for the right hon. Gentleman in these collegiate sophistications. I call it confiscation—he calls it allowance; but what do the parsons who lost the 25 per cent. call it? If a parson, who received 100*l.* a year before the Tithe Act passed, received now only 75*l.* [Mr. *Shaw*: That is not the case.] I know not whether I give it the right name; whatever name you give it—"By any other name it will smell as sweet." It will be as sweet to the landlords, and as offensive to the parsons; and it is clear that if the argument of the right hon. Baronet the Secretary for the Home Department were correct with respect to the Act of Union, that Act was then violated as much as it was by any proposition now made by his hon. Friend. It may be a question of degree, but as to principle the two measures are identical. There is only one part of the speech of the right hon. Baronet the Secretary of State for the Home Department which I heard with pain; and I must say, that the pain was much more on his account than on my own. The rest of his speech was characterised by moderation, and by a deference to the feelings of the country; but he did refer to one topic, which was generally resorted to at the time when the "No Popery" cry was wildest in this country, and which he might have judiciously omitted; he said, that if Church property was touched, the whole property of the country would be in danger, that the Act of Settlement was set at nought, and that claims would be made to the forfeited estates. Does not the right hon. Baronet here fall into the very error which he blamed in my hon. Friend the Member for Marylebone (Sir C. Napier) when my hon. Friend said that we should take care of the power of France lest she should engage in a formidable enterprise with respect to Ireland—the right hon. Baronet, relapsing into his former habits of First Lord of the Admiralty, took the gallant Commodore to task, and told him, he could not help thinking that he ought to have avoided the excitement of all false alarm. He knows the ground on which Catholic Emancipation was long resisted in Ireland; he knows that the resistance was always connected with territorial fear, and the right hon. Baronet ought to have disdained to appeal to that fear; he ought not — if I may use the expression—to have raised the ghost of Cromwell to mount guard over the Established Church. The right hon. Gentleman the Secretary for the Home Department will smile — and there is something peculiarly significant in his smile—when I refer to an extract mentioned by my hon. Friend the Member for Sheffield. I hold in my hand the pamphlet to which my hon. Friend alluded, but from which he made no extract. He ought to have made it. I shall refer only to the last few lines. It is a pamphlet of much value, not only for the sentiments contained in it, but as expressing the views of an impartial and

disinterested inquirer. It is written by M. Camille Cafour, a Genevese gentleman, and he says:—

"Sir Robert Peel, I am sure, will pursue the work of regenerating the hierarchy; his march will be measured and prudent, perhaps, even exceedingly slow. I fear I do not express all the force of the sentence by the translation—the words are 'un excessive longue tour;'" but "it will be constant and nothing will make him recede. In suggesting the mode, I will content myself by referring to the generous and liberal conduct of Sir Robert Peel towards Canada; that which he has done towards that distant Colony," and here I invite the especial attention of the noble Lord the Secretary for the Colonies—"he will do for Ireland."

What have you done for that distant Colony? I pass from one citation to another. I hold in my hand the Life of Lord Sydenham, a book of great interest and of conspicuous talent, written by his brother, Mr. Scrope. It contains at p. 168 a letter from which I will take an extract: it was written to my noble Friend, the Member for the city of London, in which Lord Sydenham says:—

"The clergy reserves have been and are the great overwhelming grievance—the root of all the troubles of the province—the cause of the rebellion—the never-failing watch-word at the hustings—the perpetual source of discord, strife, and hatred."

He then speaks of the Bill he had introduced, and proceeds:—"If the Bill is carried"—which received the assent of the Archbishop of Canterbury, of the right hon. Baronet, and of the noble Lord the Secretary for the Colonies, of everybody except the right rev. Prelate the Bishop of Exeter, in whose speech the words spoliation and robbery, and sacrilege, were piously and copiously interspersed.

"If it is really carried, it is the greatest work that ever has been done in this country, and will be of more solid advantage to it than all the loans and all the troops you can make or send. It is worth ten Unions, and was ten times more difficult."

And he then proceeds:—

"If you attempt to give the Church of England any supremacy, five-sixths of the province will never submit to it, and you will have a sound, loyal, and stirring population united against you."

Now, let us see whether the clergy reserves rest on a different footing than the Established Church in Ireland. In the Act of Union, what was said about "temporalities?" You give that a construction it does not bear on the face of it. The word "temporalities" was not introduced into the Act of Union by its framers, and they would have introduced it if they had so intended. You have recourse, however, to the Act of the Union with Scotland; you weigh the words in the nicest balance; you come by a forensic rather than a legislative process to a decision; and you conclude that "temporalities" was intended to be inserted. But take the case of the clergy reserves. There is no doubt they apply exclusively to temporalities. A certain portion of the property of Canada, by the Act of 1781, was exclusively given for the promotion and maintenance of the Protestant religion. There was a distinct legislative appropriation of the property of Canada. For upwards of 20 years any change in that appropriation was resisted, but under the force of imperative necessity a different allocation of property has been made. Under these circumstances, where is the substantial distinction to be drawn in the views of the policy pursued towards Canada in respect to the clergy reserves, and the policy towards Ireland with reference to Church temporalities? It was by views of policy, and not by catching at words and syllables, that you legislated for Canada; and where is the distinction between the clergy reserves and the Irish Church? I have quoted too much, perhaps, already, but I cannot refrain from referring to another document, written by a late Lord-Lieutenant of Ireland, the Marquess of Anglesea, to Earl Grey, in 1833, when the noble Lord, the present Secretary for the Colonies was Secretary for Ireland, and I think you will find a coincidence in the language of Lord Sydenham and Lord Anglesea of a most remarkable kind:—

"First and foremost," says Lord Anglesea, "in importance in its immediate pressure is the question of a reform in the Protestant Church of Ireland, an establishment which at all times has exceeded the religious wants of the Protestant population. Hitherto it has been upheld by the State merely on the ground of preserving the temporal use of consolidating the connection between the two countries. But this service is no longer performed—instead of strengthening the connection it weakens it; and a Government pledged to maintain that establishment must be brought into constant collision with public opinion, and the prejudices of the Irish people. It is impossible for me not to see, however anxious

and attached I am to the Protestant Church, and however much I am against any violent changes in it—it is impossible for me not to see resistance to its arbitrary claims in a deep-rooted and wide-spread conviction in the minds of the Irish community. The condition of the establishment in its present splendour is not to be justified by the state of the country. The time has arrived for such just and practical reform as may eventually place at the disposal of the State a national fund, to be applied, if necessary, to national purposes."

Any man who gives the due attention to this document to which it is entitled, with respect to the Irish Church, must come to the conclusion to which Lord Sydenham arrived as to the clergy reserves. I concur in the sentiments of Lord Anglesea, whose heart was full of love for Ireland. I concur in the sentiments expressed by him in 1833, and hope, when I express my confidence in that sentiment, I shall not be guilty of any departure from any moral obligation. We do not ask for the subversion of the Established Church. We ask not for its subversion, but for a reduction of its revenues. I, for one, never asked for anything else, and I am sure hon. Gentlemen opposite on consideration will see that the opinions which I have stated, have been conveyed in language perfectly in accordance with the rules of this House, and in terms inoffensive to every one here. I hope I am very seldom betrayed, however warm my temperament may be, into allowing anything to pass my lips which should deserve the interruption I have received. I was saying that I, for one, ask only for a modification of the Established Church. It is an institution long established; and to sweep it suddenly away, to leave no trace of it behind, appears to me in the highest degree impolitic, and I believe it to be utterly impracticable. But at the same time I believe it to be possible to introduce such salutary reforms as might make the Church what it ought to be, and remove a great cause of exasperation to the people. Our complaint is, that you have an establishment greatly disproportionate to your wants; we complain of your sinecurism. We make the complaint put so forcibly by the hon. Member for Marylebone. We do not object that a Protestant Clergyman, a gentleman by birth and education, should be paid as a gentleman by birth and education ought to be paid; but, if the Church is to be associated with the State, I extend to the Church the principle which applies to the State, and think that sinecures ought to be abolished. I think you have more Bishops than you require. By the Temporalities Act, the Government, with consent of all parties in the State, made a great change in the establishment. Before that Act there were twenty Bishoprics, by it they were reduced to ten, and now the question arises whether that reduction was sufficient. May not six Bishops answer every purpose to be attained by the episcopacy of Ireland? The next question is this—Are not the Bishops too highly paid? In this country the Ecclesiastical Commission decided that 5,000*l.* a-year was an adequate sum for the payment of an episcopal functionary in this country. Does not the payment of the Bishops of Ireland exceed this in many instances? The Archbishop of Armagh makes a return of his income at 17,000*l.* a-year; the net income he says is 14,000*l.* a-year; and, by the by, the distinction between the net and gross revenue is a very nice one, and it is not one made in the calculation of the territorial estates of most properties; however he says, it is 14,000*l.* a-year net. His successor is to have 10,000*l.* a-year. Why should the Archbishop of Armagh be paid more than the Lord Chancellor of Ireland. Why should he be paid more than the Chief Justice? Why should any Bishop in the land be paid more than a Judge? Look at the income of the Bishop of Derry. It amounted to 14,000*l.* a-year. He has agreed to give up 4,000*l.*; and, if his successor was to give up 6,000*l.*, the next Bishop of Derry would have 8,000*l.* a-year, which exceeded the income of the Chief Justice. The English Bishops, I believe, are to receive from 4,500*l.* to 5,000*l.* a-year. Why, in the name of common consistency, in a country containing 8,000,000 Catholics and 800,000 Protestants, should the Bishops receive more than in a Protestant country? And when I press these facts upon you, you interrupt me. I do not intend it to be offensive; but I am not guilty, surely, of any impropriety, when I state that fact, that your Bishops are paid, even under your Church Temporalites Act, more than is considered a sufficient stipend in this great Protestant country. The right hon. Gentleman, the Member for the University of Dublin, stated that if the incomes of the Clergy were divided amongst them all—the beneficed Clergy—it would amount

to only 200*l.* a-year each. But he must remark what our case is. We contend that the number of our Clergy ought to be diminished, because where there are no congregations the benefices ought to be suppressed. You take the entire Protestant Clergy as a divisor, and the Church property as a dividend, and tell us that a certain small quotient is the result; but diminish the divisor (that is, reduce the number of the Clergy), and the quotient will be proportionally increased. You should diminish the number of the Clergy, and having done so, obtain a surplus, which ought to be applicable to such purposes as Parliament may think fit. At this late hour I will not go into this general question, which has been so much discussed; but there is one point I cannot refrain from presenting to the attention of the House. The right hon. Secretary for the Home Department has adverted to education in Ireland. I think the subject of education ought to have been avoided by the right hon. Gentleman. What course was taken in Ireland with respect to education, and what course in England? You said that in England the educational funds must be placed under the supervision of the Church, and you abandoned your Factories Bill last year. But what course did you take in Ireland? In spite of the opposition of the Established Church and nearly all the Protestants of Ireland, you took from the Church in that country that which it regarded as its peculiar prerogative, and declared it incapable of administering the funds for national education, and thereby pronounced a stronger condemnation of it than any that has been passed on this side. In Ireland, you stripped the Church of the authority which it formerly possessed in this respect, and you recently went so far, if the representations which have so frequently been made are well founded, as to intimate that no favour should be shown to any of the clergy who did not declare their adhesion to the national system of education. I take this to be a clear and manifest distinction between the two cases. The right hon. Baronet (Sir James Graham) was pleased to advert to the Registration Bill which has been introduced by the Government. I confess I do not think that it is relevant to the subject matter of the present debate. The right hon. Baronet seemed to suggest that the difficulty in the progress of this, as of other measures connected with Ireland, rested on the state of the Irish Church—in short that the present state of the Establishment was the source of every difficulty in the way of legislation with regard to Ireland. What has taken place on the subject? When we were in power, we were taunted again and again by the noble Lord the Secretary for the Colonies on the subject of an Irish Registration Bill, and he at length undertook the office of premature legislation on the subject. When, however, Gentlemen opposite came into office, they were silent for the first year as to any measure of the kind. What took place in the second year? The noble Lord the Member for Dorsetshire reported to the House from a certain Committee, that they were unanimously of opinion, that a new Registration Bill was essential to Ireland. Nothing was then done; but the right hon. Baronet announced that a measure of the kind should be brought forward at an early period of the present Session. The promised measure was brought in, and had since then been allowed to remain on the Table, and whenever any allusion is made to its future progress, it only produces a burst of laughter, as the right hon. Baronet has constantly said that there are peculiar difficulties in its way. It has at length however been agreed to by the right hon. Baronet on the part of the Government, that it should be read a second time, and this has been postponed until the 1st of July; but could the right hon. Gentleman say that there was any probability whatever that they could get into Committee with it during the present Session. These postponements clearly arise from the fear that a liberal Registration Bill will be fatal to the Irish Church. The Established Church is the source of every difficulty connected with the Government of Ireland. You have resisted the voice of the Irish people, and have refused to listen to their prayers and remonstrances; but events will arise which will render it necessary for you to call upon the Legislature for a new appropriation of the Irish Church Revenues. As in Canada, you will find it again requisite to deal with the Church Establishment. You have acted in Canada on this subject in conformity with the feelings of the people, and you have been rewarded with their

attachment, and you are likely to make that country prosperous. Would not the same course with regard to Ireland produce the same results? But if you do not, the time will come, when looking back to your political life, you will lament that the opportunity of winning a perpetual fame by rendering your country an incalculable service, have been omitted by you.

Sir *R. H. Inglis* rose amidst loud cries of " hear" and " divide." The hon. Baronet said, that he wished merely to state that he should oppose the Motion of the hon. Member for Sheffield, because he believed that the Protestant Church of Ireland held the truth committed to us by a gracious Providence. The hon. Gentleman opposite said he only wanted the money of the Church. That was language more fitted for the road than this House.

Mr. *H. G. Ward* replied: the right hon. Gentleman opposite had alluded to his (Mr. Ward's) speech last year. The fact was, that speech contained no plan of operation. He had merely expressed his opinion, which he still retained, that this case of the Church of Ireland was one which ought to be investigated. He thought that no man's views upon the subject should be held conclusive; he thought that there ought to be forbearance on both sides, and therefore he wished for the appointment of a Committee to deliberate on the subject.

The House divided on the Question, " That this House do resolve itself into a Committee upon the present state of the Temporalities of the Church of Ireland."—Ayes 179; Noes 274: Majority 95.

List of the Ayes.

Aglionby, H. A.
Aldam, W.
Archbold, R.
Armstrong, Sir A.
Bannerman, A.
Barclay, D.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, Sir H. W.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, Capt.
Blake, M.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Busfield, W.
Butler, P. S.
Byng, G.
Byng, rt. hon. G. S.
Carew, hon. R. S.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Chapman, B.
Clay, Sir W.
Clements, Visct.
Clive, E. B.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, F.
Dundas, D.
Dundas, hon. J. C.
Easthope, Sir J.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Elphinstone, H.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Col.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Forster, M.
Fox, C. R.
Gisborne, T.
Gore, hon. R.
Granger, T. C.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hastie, A.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Horsman, E.
Howard, hn. C. W. G.
Howard, hon. J. K.
Howick, Visct.
Hume, J.
Humphery, Ald.
Hutt, W.
Jervis, J.
Johnson, Gen.
Labouchere, rt. hn. H.
Langston, J. H.
Layard, Capt.
Leader, J. T.
Macaulay, rt. hn. T. B.
Maher, N.
Mangles, R. D.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Martin, J.
Matheson, J.
Maule, rt. hon. F.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Murphy, F. S.
Murray, C. R. S.
Murray, A.
Napier, Sir C.
Norreys, Sir J.
O'Brien, J.
O'Connell, M.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Paget, Lord A.
Palmerston, Vist.
Parker, J.
Pattison, J.
Pechell, Capt.
Philipps, G. R.
Philips, M.
Plumridge, Capt.
Pulsford, R.
Rawdon, Col.
Redington, T. N.
Ricardo, J. L.
Rice, E. R.
Roebuck, J. A.
Ross, D. R.
Rous, hon. Capt.
Russell, Lord J.
Russell, Lord E.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, B.
Smith, rt. hon. R. V.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serj.
Strickland, Sir G.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Tollemache, hn. F. J.
Towneley, J.
Trelawny, J. S.
Tufnell, H.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Watson, W. H.
Wawn, J. T.

Wemyss, Capt.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Wood, C.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.

Ward, H. G.
Hill, Lord M.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Astell, W.
Bagge, W.
Bailey, J.
Baillie, Col.
Baillie, H. J.
Baird, W.
Balfour, J. M.
Baring, hon. W. B.
Baring, T.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, T.
Beckett, W.
Bentinck, Lord G.
Blackburne, J. I.
Blackstone, W. S.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bradshaw, J.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Castlereagh, Visct.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Collett, W. R.
Colquhoun, J. C.
Colvile, C. R.
Compton, H. C.
Copeland, Ald.
Corry, rt. hon. H.
Courtenay, Lord
Cresswell, B.
Cripps, W.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marq. of
Dowdeswell, W.
Drummond, H. H.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzmaurice, hon. W.
Flower, Sir J.
Forbes, W.
Forester, hn. G. C. W.
Forman, T. S.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimstone, Visct.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, J.
Harris, hon. Capt.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hodson, F.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Hotham, Lord
Hughes, W. B.
Hussey, A.
Hussey, T.
Ingestrie, Visct.
Inglis, Sir R. H.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kelly, F.
Kemble, H.
Ker, D. S.
Kirk, P.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Lennox, Lord A.
Leslie, C. P.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
Mackinnon, W. A.
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Maxwell, hn. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, W.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Oswald, A.
Owen, Sir J.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Pigot, Sir R.
Polhill, F.
Pollington, Visct.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stanley, E.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, E.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, J.

Tomline, G.	Welby, G. E.
Trench, Sir F. W.	Whitmore, T. C.
Trevor, hon. G. R.	Williams, T. P.
Trollope, Sir J.	Wodehouse, E.
Trotter, J.	Wortley, hn. J. S.
Turnor, C.	Wortley, hn. J. S.
Verner, Col.	Wynn, rt. hn. C. W. W.
Vernon, G. H.	Wynn, Sir W. W.
Vesey, hon. T.	Yorke, hon. E. T.
Vivian, J. E.	TELLERS.
Waddington, H. S.	Young, J.
Walsh, Sir J. B.	Baring, H.

House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Thursday, June 13, 1844.

MINUTES.] BILLS. *Public.*—2ª. Slave Trade Treaties. *Reported.*—Vinegar and Glass Duties.

3ª. and passed:—Copyhold and Customary Tenure Acts Amendment.

Private.—1ª. Ness Fisheries; Brighton, Lewes, and Hastings Railway; Edinburgh and Glasgow Railway; Manchester Bonding.

Reported.—Bleddfa and Llangunllo Inclosure; Southampton Marsh Improvement; Rother Levels Drainage; Whitehaven and Maryport Railway; Liverpool Docks; Birkinhead Docks; Taff Vale Railway; Croydon and Epsom Railway; Edinburgh, Leith, and Granton Railway; Ventnor Improvement; Manchester Police.

3ª. and passed:—Sidmouth and Collumpton Road; Pulteney Town Harbour and Improvement; Stone's Estate.

PETITIONS PRESENTED. By Duke of Richmond, Marquess of Exeter, and Lord Kenyon, from Wellington, Aberdeen, and an immense number of other places, for Protection to Agriculture.—By the Duke of Richmond, from Bellie, and 3 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Norfolk, for Alteration of the Game Laws.—From Ratepayers of St. Keverne, against the Poor Law Amendment Act.—From Company of Parish Clerks, against the Lecturers and Parish Clerks Regulation Bill.

COURSING.] The Duke of *Richmond* presented a Petition from a place in Suffolk, complaining that a number of informations had been laid against the petitioners and others for penalties, for having been present at coursing matches, at which dogs belonging to persons not having certificates had run.

The Marquess of *Normanby* presented two Peti ons from owners and occupiers of land in Norfolk to the same effect. There were a great number of coursing meetings held in that part of the country, and a great number of persons had been most vexatiously proceeded against by common informers, under the 52nd Geo. III., for penalties, in consequence of certain duties not being paid on some dogs, or in consequence of some informalities with regard to the certificate. Under this Act any one present at a meeting, although he might not have been guilty of any offence, was liable to a penalty of 20*l*., one half of which only could be remitted. These petitioners complained of having been exposed to great hardships by common informers, where they were not aware that they had violated any law, as the proceedings against them depended on the acts of other parties, over whom they had no control. He trusted that the attention of the Government would be directed to this subject, with the view to apply a remedy.

The Duke of *Richmond* wished to know whethere there would be any objection to furnish returns of the convictions under these informations.

Lord *Wharncliffe* was not aware that there would be any objection to furnishing the returns.

MOROCCO.] The Earl of *Clarendon*: I wish to put a question to my noble Friend, the Secretary for Foreign Affairs, regarding certain transactions which have lately taken place with reference to Morocco, and which though they were at first of apparently little consequence, are now beginning to assume a threatening aspect; and I do so for two reasons, first because our amicable relations with Morocco are of importance to us as we draw the greater part of our supplies for Gilbraltar from Tangiers and Tetuan; and secondly, because the Emperor of Morocco having hitherto shewn a friendly disposition to us, and a remarkable readiness to defer to the advice of the British Government, it is desirable we should know whether he has been compelled in self defence to adopt the course he is now pursuing; and if not, if he has no ground of complaint or cause for quarrel with France, then it is most desirable that the people of France should know that it is not at the instigation, but contrary to the advice of Her Majesty's Government (as I cannot doubt it is), that the Emperor of Morocco has recently proclaimed a holy war, if he has really done so, and is said to be making extensive preparations in order to attack the French possessions in Africa. For two or three months past we heard of an intended expedition that was to be sent from Spain against the Emperor of Morocco in order to avenge the death of a Spanish Consul at Tangiers. I believe at least that was the reason assigned by the official organs of the Spanish Government—and although no claim for re

dress or satisfaction was made, and although it turned out upon inquiry that the person killed was a Sardinian subject and not a Spanish Consul, and that he had not met his death in a manner for which the Moorish Authorities were responsible, but in an affray occasioned by his own obstinacy and imprudence—still the threat of this expedition was not withdrawn, and the Emperor assembled a force for his defence. But, as at the time it was first contemplated, the Government of Spain had neither money nor credit, and that one half of the country was in a state of civil war, and the other under martial law, the intention of sending forth a fleet and an army under such circumstances appeared so absurd and so unlikely to have originated with the Spanish Government, that it was and is still supposed to have arisen at the suggestion and under the promised support of France, and this belief derived some confirmation from the fact that the relations between the French Authorities and those of the Emperor of Morocco began soon after to assume a hostile character. I do not the least mean to affirm or to insinuate that such was the case, for I have no proof of it, beyond the fact that if the French meditated an aggression upon Morocco, or thought it expedient to put a stop by force to the assistance given by the Emperor to Abdelkader, the moment for doing so would have been particularly favourable when he was engaged in defending himself against the Spaniards, and when he was likely also to be involved in a maritime war with Sweden and Denmark, the Governments of which countries have determined no longer to submit to the tribute they have hitherto paid for immunity from the Barbary Corsairs, and the negociations to put an end to which have lately come to an unsuccessful termination. These circumstances or coincidencies may have been the result of accident, but they have certainly given a shew of probability to the rumours that France desired to see Spain engaged in hostilities with Morocco. As however, the maintenance of the garrison and inhabitants of Gibralter mainly depends upon the supplies we draw from Tangiers, and as it is important to us that all that portion of the opposite coast should not only be held by a friendly power, by which I mean that it should remain in possession of the Moors, but should likewise be at peace, and employed as heretofore in agricultural pursuits. I hope my noble Friend will be able to inform your Lordships, that as far at least as Spain is concerned, there is no reason to apprehend war. With respect to France, I fear that the speech of Marshal Soult last week, the accidental discovery that a place hitherto thought to belong to Morocco, is now within the French territory, and the great addition made to the French Army which now is said to consist of above 100,000 men, can only lead us to expect an immediate commencement of hostilities, for what purpose or by whom or under what pretext brought about, I know not, but as a war with Morocco must I think be opposed to the interests of France by compelling her to engage in a vast expense from which she will reap neither profit nor glory, or to extend her territory beyond the limits, within which she is now after fifteen years' occupation, obliged to protect her colonists with a permanent standing army of 80,000 men. As it must to all appearance be an ill-advised act for France to engage in such a war, it is desirable, indeed, it is due to the people of France, and in accordance with that friendly spirit which nothing on our part, I trust, will ever be omitted to maintain, to make it known that this country is in no way responsible for what may occur, but on the contrary, that Her Majesty's Government would be ready, if required, to mediate or endeavour to remove the causes of misunderstanding. I see too that the periodical press of France, which by its influence in the Chambers, and on public opinion, is now no unimportant element of the Government of France, and which always endeavours to keep up feelings of senseless animosity against this country, has already accused the British Consuls of being the sole authors of the impending hostilities, and I trust that my noble Friend will be able to vindicate their conduct, and more particularly that of Mr. D. Hay, the Consul General, who is the agent on the Barbary Coast, who has the most power, and whom, I believe to be a zealous and discreet public servant, always using for right purposes the influence he deservedly possesses with the Moorish authorities. The whole subject is important, and may lead to very important consequences affecting our interests in various ways, but as I should think it imprudent to say more upon it at present, I will merely state the questions which I desire

to put to my noble Friend. They are, whether he can inform your Lordships if the Spanish expedition against Morocco, is finally abandoned; whether there is ground for believing that hostilities are about to commence between France and Morocco, and lastly, whether Her Majesty's Consular Agents, acting under the instructions of my noble Friend, have taken such means as were in their power to prevent a state of things which may be highly injurious to British interests in that part of the world.

The Earl of *Aberdeen* said, that his noble Friend's question appeared to be three-fold — connected certainly in some degree by the subject-matter, but in fact forming three entirely separate and distinct subjects. In giving an answer to the first question of his noble Friend, he could assure him and the House that he could not conceive any exercise of the power and the influence of the country to be more desirable and useful than the using it to prevent the occurrence of hostilities in any part of the world. It was not enough that we should by every means in our power consistent with the maintaining the national honour and the essential interests of the country, preserve peace ourselves, but that we should be most willing to exert every legitimate interest to restore it wherever it is broken and to prevent the calamities of war in every part of the world. He might mention that it was only in the course of the last month that, in nearly the same part of the world to which his noble Friend had alluded, this country had by its interference succeeded in preserving peace between the two States, between which a war was seriously threatened. And although these States in themselves might not have been Powers of very great importance, yet a war would have been inevitable between them but for the interposition of the British Government, and such a war, when once arisen, might have been productive of the most disastrous consequences. He alluded to the recent quarrel between Sardinia and Tunis. He knew that it had been said that the influence of this country in the Mediterranean would be lost in consequence of the reduction that had been made in our fleet in that sea, but the circumstance which he had just mentioned, showed that this was not the case, and he did not believe that it would induce any of the Mediterranean Powers to forget its existence. Now, as to the question before the House. The first question was as to the differences which had some time existed between Spain and Morocco. His noble Friend was not correct in supposing that the single ground of difference between the two countries related to the killing of a Spanish consular agent; there had been complaints on both sides for a considerable time past; but there was no doubt that the circumstance alluded to by his noble Friend produced on the part of the Spanish Government a declaration and proceedings of a more decided nature. He would not go into the question as to the justice of their mutual complaints, for they were not of a very simple or intelligible nature, but they had arrived at a height which had threatened to produce immediate hostilities. His noble Friend had said that the state of Spain was such as to make it incredible that the Spanish Government could, without the promise of foreign support, have undertaken any expedition of the kind. Now, he should have thought that his noble Friend knew enough of Spain to be aware that that Government did not act altogether in the way that would be followed by other Governments. There was no doubt that the quarrel with Morocco was regarded in Spain as purely a Spanish question; but all circumstances connected with it had been studiously concealed from, and have been denied, over and over again, to the French and British Ministers at Madrid, both of whom were kept in ignorance as to the resolutions and intentions of the Spanish Government, until the last moment, when what was called the *ultimatum* was issued. When matters had arrived at this state, the Emperor of Morocco, who placed great confidence in the integrity of this country, made known to the Government that he was desirous of the intervention of this country, so as to bring about an amicable settlement of the difference existing between his Government and that of Spain. About the same time that this occurred, Her Majesty's Minister at Madrid offered to the Spanish Government the good offices of this country to put an end to the threatened hostilities; and to show how little the French Government were actuated by different views, the French Ambassador cordially united with him in pressing the adoption of this upon the Spanish Government, and the latter was induced to assent to the proposal. Therefore, as both Governments had agreed to accept our mediation, he had every reason to believe that a just and reasonable settlement would be

effected without delay, of the disputes between the two countries. His noble Friend had also asked, whether hostilities had commenced between France and Morocco? If his noble Friend had yesterday put the question to him, he should have said that not only had they not commenced, but that he did not think that it was probable any would occur; and although since then an account of a skirmish between the troops of the two countries had been received, he was sanguine that war would not follow. He was of this opinion for this reason, that the forces assembled on the frontier by the Emperor of Morocco had been diminished more than one-half, within a few days preceding the circumstance which had been alluded to by his noble Friend. He had every reason to believe that the French Government and Colonists in Algiers were as much taken by surprise at what had taken place as any person in this country could be. It was clear, with such a reduction of their forces as he had described, that the Government of Morocco did not contemplate an attack; and although there was no doubt that the Moors were the aggressors in this affair, he believed that the whole circumstance had arisen from the fanaticism of a small body of Moorish cavalry, for by the account of the French General himself, these troops apparently approached the encampment more from curiosity than from any other cause, and it was clear that the affair which took place was of no great magnitude, as only twenty-five persons were wounded, therefore he was justified in saying that it was a mere skirmish. Therefore, with the known desire of the Emperor of Morocco, and of the French Government, not to provoke a war, and it was only giving a due share of common sense to the French Government to say that it could have no wish to provoke a war in that territory—there was every probability that they might look to the continuance of the relations—if not friendly, at least peaceable—which had hitherto existed between the French Government in Algiers and the Emperor of Morocco. But it should be remembered that the Emperor of Morocco was the Sovereign of the most fanatical race of Mussulmen in the world; it was therefore a matter of consideration how far he might be able to control the excitement of his people and deal with the formidable personage who carried on the contest with the French forces in Algiers, and who did him the favour to take refuge in his territory whenever he was hard pressed by the French. He had received no information as to the proclamation of a Holy War in Morocco; and although a declaration to that effect had been reported, as he had not received any information on the subject, he did not believe that anything of the kind had taken place. That would indeed look as if the Emperor was prepared to undertake a contest of a very serious description, but he had no reason to believe that anything of the kind was likely to take place; if unfortunately it should arise, he need hardly say that so far from there being any participation in, or encouragement of it by this country, Her Majesty's Government would make use of all legitimate means to prevent it. He knew what were the intentions and wishes of both Governments, and he did not believe that a mere accidental skirmish on the frontier would be productive of any serious results. His noble Friend had concluded with adverting to the conduct of the Consuls of this country on the coast of Barbary. He thought it scarcely worth while for his noble Friend to have adverted to the language of a certain portion of the French press on this subject—that portion which was employed constantly in endeavouring to excite a hostile feeling between this country and France. He was sure that his noble Friend could not suppose for one moment that the persons who wrote these accusations believed a single sentence of what they wrote, however they might expect their readers to believe them, and doubtless there was a portion, more noisy than numerous, of the French public to whom their opinions and assertions were not unwelcome; but as far as the French government was concerned, he could assure his noble Friend that it was only yesterday that he had received a most unequivocal and satisfactory expression of opinion as to the conduct of the gentlemen to whom his noble Friend had so particularly referred. The French Government was fully sensible of the anxiety and of the exertions which had been made by those gentlemen to allay any unreasonable excitement on the part of the Government of Morocco, and to preserve peace in that part of the world. He should only add that those gentlemen acted under instructions; but if they had not received any, he did not suppose that they would have acted in any other way than that in which they did; and his noble Friend had only done justice to those gentlemen in making the observations which he did.

When, however, his noble Friend mentioned the charges which were made by the French press against the British Consuls on the coast of Barbary, he should have recollected that a certain portion of our own press had been exerting itself to exaggerate the nature of the differences which had arisen between Spain and Morocco, and which he had that night shown to be unfounded. He would not say that the French Government had not reason to complain of the language of some part of the press of this country, but he believed that much of the language of the press in France, as well as in this country, was rather directed against their own respective Governments, than against the several countries. The assertion, however, was perfectly false, as far as the British Consuls on the coast of Barbary were concerned, and there was not the shadow of a foundation for it. Nothing could be more ridiculous or more untrue than such accusations.

IMPORT DUTIES.] Lord *Monteagle:* I rise in pursuance of my notice, to bring under your Lordships' consideration a question of no small importance, and in discussing it, I deeply regret that I cannot hope to possess as full a mastery over all the facts of the case as is requisite, and that I cannot flatter myself that I can command sufficient powers of argument, and of persuasion, to lead your Lordships to those conclusions at which I have arrived. But though no one can be more conscious than I am of my own deficiencies, and of my incompetency to do full justice to the subject I have undertaken, I yet feel confident that I shall obtain your Lordships' attention, not only from my experience of that indulgence and courtesy on which I have but too frequently relied, and on which I fear also that I have too largely drawn, but from my earnest conviction that my resolution must command your attention, on grounds wholly separate from its relation to the humble individual who recommends it to your adoption. My Lords, the proposition I am about to make, is, that you should institute an immediate inquiry into a subject of the most pressing exigency, and one in which the interests of all classes of Her Majesty's subjects are most deeply involved. However clear and absolute are my own convictions—however undeniable may appear to myself the process of reasoning, by which I reach my own conclusions, I am not so presumptuous as to ask your Lordships to adopt any resolution of fact affirming my opinions. Undoubtedly I should not be warranted in urging your Lordships to undertake this inquiry, if I were not myself deeply persuaded that there existed grievances that could be redressed, evils for which the Legislature was bound to discover a remedy. These evils I feel confident I can prove, these remedies I feel sanguine enough to hope I can suggest, if my Motion is carried. But I again pray your Lordships to recollect that you are not called on to affirm any proposition more definite than your willingness to enter into an examination of the evidence I tender you, and if I am not greatly self-deceived, I shall not only succeed in convincing your Lordships of the usefulness of such an inquiry, but I shall lay before you such ground of Parliamentary precedent, and of political expediency, as shall render the rejection of this Motion difficult, and in my judgment highly indefensible. In endeavouring to make out my case, and to demonstrate that Protective Duties have been, and now are, most mischievous in their consequences, more especially at the present time, and in a great commercial community like ours, I fear I may have cause to trespass, at considerable length, on your Lordships' time. However disposed I feel to compress my argument within as narrow a compass, as is consistent with the nature of the case, the facts on which I rely must be fully stated, and the order in which those facts stand in relation to each other, must be presented to your consideration. Perhaps I may have been rash in undertaking so great and difficult a duty, but having undertaken it I should be wholly without excuse, if from personal considerations, or even with a view to your Lordships' convenience, I were now to shrink from the performance of a task of no ordinary magnitude and importance. Even if your Lordships should be disposed to condemn me for soliciting your attention to much of abstract reasoning—to an enumeration, which may be tedious, of many commercial, financial, and statistical facts, I venture to promise your Lordships a reward, in the speech which I fully expect to hear from the noble Earl, who will reply to my statements, and who never fails to bring to any subject, which it is his duty to discuss, all the resources which extensive knowledge, and reasoning clear and accurate, never fail to supply. It is my duty, in the first instance, to remove from your Lordships' minds the impression that I bring forward the question of free-trade as a

party question. Nothing can be more untrue, and it would be alike unjust to myself, and to my argument, if such a delusion were to prevail. My resolution is not moved or recommended on party grounds. I shall appeal to authorities, both among the names of departed and of living Statesmen, who are the pride and the glory of the Tory party—I shall rely on the authority of Pitt, Lord Liverpool, Canning, Huskisson, as well as on that of Members of the present Administration. Similar motions have been frequently made on former occasions, without being considered as being adverse or offensive to an existing Administration. In the year 1820, during the Administration of Lord Liverpool, a proposition infinitely more extensive than mine, was brought forward by a noble Friend, who sits beside me (Lord Lansdowne). The noble Marquess moved for a Select Committee to examine into the whole state of the foreign trade of the Empire. He then stated, as I state now, that "it had long been the mistaken policy of the Government to impose restrictions on certain branches of foreign commerce, the effect of which restrictions being to oppose to foreign commerce, the same sort of impediments and embarrassments that taxation presented to the home trade. The tendency of this was to force trade into channels the most unnatural and unprofitable to the country." Your Lordships will observe, that my noble Friend's proposition was much more unlimited than mine. It was to consider the whole of our commercial laws; mine is to consider the Import Duties only. My noble Friend's enquiry embraced our navigation laws—the laws respecting shipping, and above all, it included a subject then of the greatest delicacy, as it must ever be of the highest importance—I mean the state of our relations with India and China, at a period when the Company's Charter was in full restrictive force. Lord Liverpool and his Cabinet, so far from throwing the slightest difficulty in the way of that inquiry, heartily concurred in it. They did not deal with it as being a party attack. They supported the noble Marquess's Motion. They assisted my noble Friend's inquiries. They profited by the knowledge so acquired, and the principles which were recommended and confirmed by the Reports of 1820 and 1821; for in those years the examinations of judicious and practical witnesses led to important and useful results. Why should not the same course be taken at the present moment? and why should it not be attended with similar good consequences? Again, during the Administration of my noble Friend (Lord Melbourne) a proposition more nearly approaching to the present, though in its terms less strictly defined, was made in the other House of Parliament. A Committee on the Import Duties was appointed. That Motion was not construed to mean a party attack, it was not dealt with as a party motion. On the contrary, it was cheerfully acceded to, and its inquiries were facilitated by the Government of the day. Your Lordships well know how fully I am warranted in affirming that the present Administration are the last persons who can condemn that inquiry. They, on the contrary, have given it their full and unhesitating sanction. Indeed, they have not only referred to the Report in terms of high commendation, but they have drawn upon it freely in support of their own policy, and in defence of the most important measures which they have recommended to the adoption of Parliament. In proposing the Tariff to the other House of Parliament, the evidence taken before the Import Duties Committee was largely quoted, and to a considerable extent was relied on as authority. Why should a course thus adopted in 1839, and commended in 1842, be objected to and opposed in 1844? Nor is this all. During Lord Melbourne's Ministry, in relation to a commercial question of the greatest magnitude and importance—our trade with the East Indies—a Committee of Inquiry was asked for, and was willingly granted. It was moved by the noble Baron (Lord Ellenborough) who, till within these few weeks, has been Governor General of India. The inquiry before that Committee included every question of Oriental commerce; duties of revenue, duties protecting and discriminating; sugar, cotton, coffee, rum, tobacco, our relations with foreign States, and the laws and regulations of other Colonies. Very useful results ensued. My object in referring to these cases (and I could multiply the instances), is to demonstrate conclusively that it is neither fair, nor consistent with the usages and precedents of Parliament, to represent my Motion as of a party character, nor to oppose it as such Her Majesty's Government are not called upon—indeed I may say, they are not justified, in taking this course. Another preliminary consideration I must endeavour to impress on your Lordships' mind. If,

as I have proved, mine is no party Motion, still less is it a partial one. It comprehends all our productive interests, and cannot be supposed to have any adverse bearing against any class whatsoever. It proposes to investigate principles, and to consider their application as bearing alike on commerce, on manufactures, and on agriculture. On previous occasions, in discussions which, if not identical with the present, were at least analogous, I took the liberty of urging on your consideration the impolicy and injustice of the present Corn Laws. I was then reproached as levelling all my arguments against one peculiar interest, and that, the agricultural interest of England. It was in vain for me to protest that such was far from being my intention; it was in vain for me to protest that I could not mean any injury or insult to the class of landed proprietors, to which I myself belonged, and to that agricultural interest with which all my own hopes and support were identified. Still I could not deny that the propositions I then urged, and all similar ones when limited to the Corn Laws, have a right to be considered, in a certain sense, as partial and one-sided. This objection cannot be raised against my present Motion, which extends wherever the principle of protection is to be found in our laws and usages. I am ready at the outset to admit that there are abuses and follies to be found among protections imposed for the benefit of the commercial and manufacturing, as well as the agricultural classes; "*Iliacos intra muros peccatur et extra.*" These abuses should be corrected as fully where they apply to manufactured produce, as where they apply to the produce of the soil. And I am fully entitled to say, that to the boldest and most unqualified repeal of protection, as affecting themselves, the commercial classes have given their entire assent. The memorable Petition from London, presented by Mr. Baring in 1820, stated absolutely that "it was against every restrictive regulation of trade not essential to revenue, against all duties merely protective, against foreign competition, and against the excess of such duties as are partly for the purposes of revenue, and partly for the purposes of protection, that the prayer of their petition was directed;" and in 1839 and 1840 it was stated still more distinctly by the Manchester Chamber of Commerce, that "they declared their disapprobation of all restrictive laws whether intended for the protection of the manufacturing or agricultural classes." Similar resolutions were adopted at Liverpool, Leeds, Birmingham, Sheffield, Derby, Nottingham, Glasgow, and other towns. I am thus warranted in saying, that not only is the principle for which I contend one which may and ought to be impartially applied, but that its impartial application is asked for and solicited at our hands, by the commercial classes, who have been so frequently charged with asking for protection themselves, whilst they declaim against it if conceded to others. Indeed, my Lords, if there is one principle for which I should most strenuously contend, it is, that our national interests do not admit of any distinct, and still less of any adverse, separation or contrast. Those interests must rise and fall together; and the principles, which are just and expedient in the case of commerce and manufactures, are equally expedient and just, when bearing upon agriculture. But I contend that protection, as such, has not been in either case permanently beneficial. No man has declared more unreservedly than the present First Lord of the Treasury, that "all that legislative protection can do for the agriculture of England is as nothing, when compared with the prosperity of our manufactures and commerce." Mr. Huskisson, in 1824, stated the same principle as unreservedly:

"It is to the increasing wealth of the manufacturing population" observed that great man "and not to artificial regulations for creating high prices, that the country must look, not only for relief from present burthens, but for the power of making fresh exertions. It is not in the power of any artificial measures to give relief to agriculture, or to any other mode of occupation, which can only flow from the increasing activity and unceasing industry of the people."

This was said in 1824. In 1820 Lord Liverpool had spoken nearly to the same effect.

"The agriculture of the country" he observes "is the basis of its wealth and power. But on the other hand, agriculture would not be what it is, the fortunes of those who have profited by it would not be what they now are, had not agriculture been fostered by manufactures and commerce, and received its most important advantages from the spirit and industry of those engaged in such pursuits."

The result has confirmed these predictions, and concurrently with the development of our commercial and manufacturing system, and notwithstanding a fall in the price of agricultural produce, it appears,

that the increased annual value of the real property of England and Wales, as assessed to schedule A of the present Property Tax amounts, to no less than the enormous sum of 21,830,006*l.*, or 42 per cent. upon the whole. This increase having taken place since 1815. I have made these statements, my Lords, in order to remove impressions which might be injurious to the fair consideration of this Motion. I proceed to ask on what possible grounds the Motion can be opposed. If parliamentary precedents, as I have shown, are in its favour—if I have disproved, as well as disclaimed the imputation of party motives, I am yet to learn how Her Majesty's Government, or this House, can be justified in rejecting my proposition. Is it upon the ground that the Tariff has been but lately adopted; that we should wait longer to know its real effects, and that we should not as yet propose to inquire into its working, still less propose to alter its enactments? If the Government had themselves taken that course, there would be some cogency and consistency in the argument. But what is the fact. Alterations have already been called for, and have been made in the Tariff. Acts have passed, and Bills are on your Lordships' Table, and are before the other House of Parliament which have made, and which propose making, very extensive alterations in material parts of the Tariff. Coffee, wool, and sugar, have been, and are about to be, the subjects of altered duties, and surely, if it is expedient thus to alter, and I am willing to assume, to amend, various heads of our Customs' duties without examination and inquiry, it cannot be unwise to review it in reference to those fixed principles which will render our commercial system more steady as well as more equitable, and will avert the evils of hasty or ill-considered legislation now or hereafter. But if this anticipated objection is untenable, and if it is disposed of by the reply I have just made, the common-place argument may be urged against inquiry, that it will shake all commercial relations, and will excite a disturbance in our mercantile dealings; it will be said that our traders do not relish this perpetual investigation, this prying into their concerns, and that with a view to these considerations, a Conservative Government is compelled to interfere. My Lords, the argument is but a stale one, and if it had any real force, it would have been still more applicable against my noble Friend's Motion in 1820, when Lord Liverpool was too wise and too candid to urge it. It would have been equally fatal to the appointment of the late Import Duties Committee, and to Lord Ellenborough's East India Inquiry, when the Government of the day (Lord Melbourne's) did not rely on any such shallow pretences. Therefore it appears to me, that neither on the ground that the present Tariff is insufficiently tested by experience, nor yet that the interests of trade will be prejudiced by my success, can the noble Earl opposite (Lord Dalhousie) feel warranted in rejecting my Motion. But if I am thus at a loss to conceive on what grounds I may be opposed, allow me, my Lords with great earnestness, and I might add, with great confidence, to impress upon your Lordships' minds not only the general reasons why this inquiry should be undertaken, but why it is more peculiarly fitting that it should be undertaken at the present time. My Lords, if any reduction of duties should be recommended, and should be adopted, the first effect of such change is likely to be some loss of revenue. It is only after consumption has been stimulated and augmented by a lowered price, an increased supply, and an extending trade, that the revenue recovers itself. All such experiments should therefore be tried, at a period when there is a sufficient surplus to meet the temporary loss without hazard to the public interests. I would ask your Lordships to consider whether we are not in the precise condition to warrant you in making slight and temporary sacrifices. Not only have you resources at your command greater than you had been led to anticipate, but infinitely greater than Her Majesty's Government had declared to be necessary for the public service. When Sir R. Peel introduced those large financial measures with which he began his Administration, the country understood his intention to be to impose an Income Tax estimated at 3,700,000*l.* a year, which was to be continued for three years only. This would have realised a sum of 11,100,000*l.* But I now believe, from admissions publicly made by the Government, the public have no great chance that the Property Tax will expire at the end of the three years. If it should cease sooner, it will be most gratifying to the country, but our pleasure will partake somewhat of the nature of a surprise. But, however this may be, one thing is certain, that the amount of the tax has vastly exceeded the calculation of the Ministers. The tax has produced five mil-

lions and a quarter in one year. Therefore in place of an income of 3,700,000*l.* for three years, the Exchequer will probably receive 5,250,000*l.* for five years, or 26,000,000*l.* in place of 11,100,000*l.* In addition to this, the Treasury has also realized 2,467,000*l.* by the sale of stock, and has also received 1,800,000*l.* from China, without taking into account the future remittances under the Chinese Treaty. I have troubled your Lordships with a recapitulation of these facts, in order to prove that if ever there was a period when the peculiar state of the finances admitted of a free investigation of the Import Duties, and of their reduction and correction, so as to enable Parliament to give relief to trade without hazard to public credit, the present is the time, of all others, when such a useful experiment may safely be tried, and where practical relief may be afforded to our productive interests. I have stated, that the scope of my Motion is comprehensive, and is therefore the more important. I invite the House to consider our Import Duties generally, but to consider them particularly also, as they illustrate and exemplify the consequences of protection. I invite your Lordships to investigate, not merely how protective duties bear upon the general interests of the country, but how they must ultimately affect the separate interests of the protected classes. To those classes, I venture to affirm, the system of protection can be proved to hold out the most mischievous and delusive hopes, leading to certain disappointment, and therefore as mischievous to those whom it was sought to favour, as to the public, at whose cost that favour was granted. I shall endeavour to make out this proposition, though I well know how difficult it is to discuss an abstract principle in an assembly like that which I have the honour of addressing; but I hope your Lordships will pardon the dryness of what may appear to be more of a scientific than a political argument. At the cost of being tedious, I feel it to be absolutely necessary to lay down and investigate the general principles on which I rely, and I am the more tempted to do so, when I have heard it laid down on authority which your Lordships will be the last to undervalue or to disown (Sir R. Peel), "that it is important to settle and to adopt general principles in order that you may apply them where and when you can, and approach them as nearly and as speedily as the very complicated state of things around us will permit." My delight in hearing this just and statesmanlike declaration was augmented by the words which followed, "and a further beneficial result of laying down such general principles, is the obligation and duty which it imposes on the Legislature, to avoid any new measure which opposes or which derogates from them." This being stated on high and responsible authority, I trust your Lordships will indulge me whilst I investigate the general principles on which I rely in support of the present Motion. Let us examine what are the principles on which a State ought to proceed in the regulation of that branch of its internal economy which comprehends its financial and commercial laws. The financial principle seems to me to be that of obtaining the largest amount of revenue required for the public service, contributed in the manner the least burthensome and vexatious to the whole community; and for this purpose, by its apportionment of taxation, to leave the industry of men and of classes in such a position as to produce the largest amount of wealth. Will it be controverted that men as individuals should be left uncontrolled in the pursuits of their own industry? This appears to me the simplest of all propositions, and it seemed to be recognized by our laws and institutions, so far as individual action is concerned. But in dealing with national interests, ought we not, as far as possible, to deal with them as we should with the interests of individuals? It will scarcely be asserted that individual interest should not be left free. But when we come to consider the productive industry of classes in this vast and active community, we find that in former times, largely, in modern times with more reserve and limitation, but under all circumstances, equally without excuse, bounties and encouragements are given, and burthens and restrictions are imposed, which too frequently leave the word freedom scarcely more than a name. The object of all traffic can only be to extend and to diffuse the command which individuals and communities possess over the comforts and necessaries of life. When I use the word wealth, I use it as expressing those necessaries and comforts—when I express a desire that one country should increase in riches, I only state my hope, that all classes may be enabled more freely to possess and to enjoy those gifts of Providence and those productions of industry, which mark, and may be said to measure the progress of civilization. Nor will the

benefits of this increase of wealth be limited to the mere increase of physical comforts. On the contrary, I feel confident that we have much greater facilities in making our fellow-countrymen better subjects, and higher moral and intellectual beings, if we protect them from being ground to dust by suffering and destitution, not the less galling if justly represented to be the consequence of unequal and partial laws. I have found a description of the effects of freedom of trade in the writings of the late Mr. Ricardo, which appear to me most admirably to illustrate the comparison which I have drawn between the relations of individuals and those which exist between classes and individuals. This great writer observes:—

"Under a system of perfectly free commerce, each country naturally devotes its capital and labour to such employments as are most beneficial to each. The pursuit of individual advantage is admirably connected with the universal good of the whole. By stimulating industry, by rewarding ingenuity, and by using most efficaciously, the peculiar powers bestowed by nature, it distributes labour most effectively and most economically, while, by increasing the general mass of production, it diffuses general benefits, and binds together by one common tie of interest and intercourse, the universal society of nations throughout the civilized world."

Under this system of freedom it is not one who benefits, but all Commerce would not take place, unless it were advantageous to both buyer and seller, for to refer to the authority of another great writer, (Malthus)

"Every exchange which takes place in a country affects a distribution of its produce better adapted to the wants of the society. It is with regard to both parties an exchange of what is wanted less for that which is wanted more, and it must, therefore, raise the value of both products."

I have referred to these high scientific authorities, for the purpose of proving that the same rule which regulates the intercourse of individuals ought to apply between class and class, nation and nation. But it is often and significantly asked, Are you visionary enough to imagine, as a friend of freedom of trade, that nations can abandon all taxation levied on imported produce? My Lords, if that freedom of trade, for which I contend, required such a concession, it could not be found on the face of the civilized earth. I am far from contemplating so fantastic and visionary a result. Customs Duties are amongst the most legitimate sources of Revenue. But they are different in nature, in degree, and in their consequences. A duty for the purposes of revenue, if wisely imposed and levied, is that of which few ought to complain, because it is levied for objects productive of benefits to all. It is raised for the purpose of defending national independence and national honour; it is raised for the purpose of defraying those charges, civil, military, and judicial, in which every subject of the Crown has a direct interest, and for which they receive an equivalent. Besides, these duties carry with them their own limitation; as it might be assumed, at least in a free state, that extravagant establishments would not, or ought not, to be allowed, and that the duties thus levied would necessarily be confined within the limits of the necessary public expenditure. To these Revenue Duties no serious objection ought to be raised. The second class of taxation is a Countervailing duty; a duty imposed upon a foreign commodity imported, and equivalent to any peculiar burthens upon the same commodity if produced at home. This again is just in principle. It would obviously be the height of all injustice, were a State to permit the import of articles duty free, to compete with similar home produce, burthened with heavy duty. Such a competition would be ruinous to the revenue, and most unjust to home industry. This principle may be illustrated by the articles of malt and hops. Assuming that the duties are paid by the producers, it would be reasonable to impose an Import Duty on French or Belgian malt and hops, equal to the internal duty collected by our excise. No objection can be raised to such a tax, on the ground of its inconsistency with free trade. If a special tax is levied on a particular class, that class has a right to demand protection against their foreign rivals to the amount of that tax, but to that amount only. Their case must be undeniably proved; mere assertion, however intrepid, will not do; more especially if accompanied by a refusal of all enquiry, and by the non-production of any evidence. On the other hand, no claim to protection can be admitted which merely rests on the grounds of general taxation, borne by all, and not paid exclusively by the particular parties seeking the protection. If a protective duty were conceded on any such grounds, it would be manifestly unjust. Yet this is the claim most loudly put forward, and too gene-

rally admitted. Poland pays no taxes, it is said; England is heavily taxed, therefore it is just to place a protecting duty on the productions of Poland. I deny this altogether. Let us examine the case. Suppose a community to consist of ten classes, all equally taxed, one of these classes, the hatters for instance, calls for a prohibiting duty on French hats—I assume that the Board of Trade of the day recommends, and Parliament enacts this duty. Its first effect is to keep up the price of hats, for if it does not do this, it is useless altogether. But I assume that it succeeds. The result must be that the wearers of hats, paying a higher price for the article they require, will pay the hatters' taxation as well as their own. I assume for my argument, that there would not be any smuggling, and that capital would not be transferred from some other branch of industry to the trade of hatters, either of which results would render this protection inoperative, though impolitic and unjust. But let us suppose that protection in place of being confined to the hatters, was extended to the nine other classes of producers. What then? In the first place, was it likely that Parliament would at once be so omniscient as well as so impartial, as to apportion the equitable amount of protection, to each, and neither more nor less. But granting that this improbability was a truth, all prices would be equally raised. Every man's income might be severally increased, but his expenditure being raised in the same proportion, his absolute and relative position would be unaltered, and the Legislature dealing with these prohibiting duties, would find its labour lost, and would end just as it begun. The ill consequences of this system would, however, be still more apparent and fatal, if it were applied to a country having a great export trade. The case I have hitherto put would only apply to a country isolated from all others, and without commercial relations. Even in this imaginary case, I have shown that protection would be most cruelly unjust if limited to a favoured case; and if equally apportioned among all, that it would be inoperative and unwise. But it would be fatal to an exporting country like ours. The object of all protection is to raise price. If this is not accomplished, it cannot realise the hopes of its advocates. But with an export trade like that of England, carried on to the value of forty or fifty millions, and consisting mainly of articles consumed both at home and in foreign countries, it is obvious that a rise of price must limit export, must fall back on the manufacturing industry of the country, and ultimately on those who raise the food on which those manufacturers subsist. It would be difficult or impossible for our manufacturers and merchants to meet the competition of their foreign rivals who were not cursed by the same protection. In this case, as in the former one, protection would defeat itself, and its only consequence would be the immediate limitation, and possibly, the ultimate destruction of home industry. The distinction between duties of revenue, and duties of protection, is so truly and forcibly put by a most eloquent Citizen of the United States, that I cannot resist calling your Lordships' attention to his admirable exposition "No two things, Senators," observes Mr. Calhoun, "are more different than duties for revenue and duties for protection"—they are as opposite as light and darkness. The one is friendly, the other is hostile to the importation of the article on which it is imposed. Revenue seeks not to exclude or diminish the amount imported: on the contrary, if that should be the result, it neither designed nor desired it. While it takes, it patronises; and patronises that it may take more. It is the reverse in every respect with protection: it seeks directly exclusion or diminution. That is the desired result; and if it fails in that, it fails in its object. But though hostile in character, they are intimately blended in practice. Every duty imposed on an article manufactured in the country, if it be not raised to a prohibition, will raise some revenue; and every duty laid for revenue, be it ever so low, must afford some protection, as it is called. Government, in adopting the protecting system, is to descend from its high appointed duty, and to become the agent of a portion of the community to extort, under the guise of protection, tribute from the rest of the community, thus defeating the end of its institution, by perverting powers intended for the protection of all into the means of oppressing one portion of mankind for the benefit of another. The tendency of the system is to isolate country from country, neighbourhood from neighbourhood, family from family, with diminished means and increasing poverty, as the circle contracts. The consummation of the system is to produce a Robinson Crusoe in goatskin." How just and how convincing is this statement; and how beautifully does it illustrate that eternal truth, that man cannot, without infinite prejudice to his per-

manent interests, attempt to counteract that decree of Providence which renders nations like individuals, dependent on each other, and that to their great and mutual benefit. By the laws of nature, neither this, nor, any other country, is enabled to produce all that its inhabitants can require for their sustenance and comfort. It is on these very wants that the social progress of all is made to depend; and so far from viewing large importations of foreign goods with alarm or jealousy, those importations become at once the source of our increased comforts, and the measure of our domestic industry. "The benefit which is derived from exchanging one commodity for another," observes the late James Mill, "arises from the commodity received rather, than from the commodity given. When one country exchanges, or in other words, when one country traffics with another, the whole of its advantage consists in the commodities imported. It benefits by the importation, and nothing else. A protecting duty, which, if it acts at all, limits imports, must limit exports likewise, checking and restraining national industry, and thus diminishing national wealth." Nor let it be said that these are merely the dicta of philosophical theorists, discussing, and perhaps dogmatising, on abstract principles. The same principles are laid down in the evidence of that experienced public servant, the late James Deacon Hume, who had been thirty-eight years at the Board of Customs, and eleven years the Secretary of the Board of Trade—a gentleman of the highest official experience and character. Mr. Deacon Hume, being examined on this subject of protection, said—

"I conceive that no general measure could be more beneficial to this country than a removal of all protections, prohibitions, and restrictions. I cannot conceive that a country exporting forty millions' worth of its industry can effectually and beneficially, for any length of time, protect any partial interest whatever. I have always considered that the increase of price in consequence of protection, amounted to a tax. If I am made to pay 1*s.* 6*d.* by law for an article which in the absence of that law I could buy for 1*s.*, I consider the 6*d.* as a tax, and I pay it with regret, because it does not go to the revenue of the country, and therefore I do not in return share the benefit of that payment as a contribution to the revenue. I must be taxed a second time to the state. It is also a misdirection of labour and capital, tempting parties to embark in a trade by factitious support, which in the end may prove a fallacious one. I have often wondered how any rulers could consent to incur the responsibility of such a policy. The real question at issue is, do we propose to serve the nation, or to serve particular individuals."

"After having been thus taxed for the benefit of some protected interest," continues Mr. Hume, "a man finds himself taxed a second time for the revenue." Mr. Hume expressed his astonishment that a system so vicious and senseless should have been so long permitted to continue. My Lords, this is only to be accounted for, when we consider the plausible grounds on which a protection is first obtained, and the grounds, still more plausible, by which, when unfortunately conceded, its continuance is defended. These protections find eager advocates through our representative system, and mix up most unhappily in our party disputes. In how many cases have we been driven from a wise course of legislation to adopt colonial discriminating duties, which ought never to have been granted, but which Her Majesty's present Government have most absurdly and indefensibly endeavoured in many cases to extend and perpetuate. How many of these discriminating duties are there, which were evils when first enacted, which have produced no benefit when continued, and yet which are made a fruitful source of discontent when withdrawn! This sometimes takes place even in reference to articles which a colony never has produced, and never is likely to produce; or which, if it did produce, the article in question was high in price and bad in quality. Yet these, so miscalled colonial and domestic interests, became the war-cry and watch-word of party. Nothing, in my judgment, can be more fatal to the fair adjustment of questions neutral in their character, and which ought to be approached with calmness and impartiality. It is however seen, that a great party has bound itself, most unfortunately, to the absurdity which it once adopted as a symbol of faith. I may best exemplify them by our present system of Corn Laws. I venture to ask any noble Lord, or any writer of character, whether they believe that twelve gentlemen of sense or experience could now be found out of the Cabinet, or even within it, who would seriously defend, or adhere to, the Sliding Scale of Duties, if they were not politically pledged to do so. Give me but a jury of any twelve men of calculation and of understanding—let them either be all agriculturists or all merchants, or select a jury *de mediatate* if you will—no verdict will be obtained in favour of so flagrant an absurdity. I will

allow the choice of the court to be left with the Government. I will allow them to set aside or challenge jurors as freely as the Irish Attorney General himself can advise, the result would still be the same. Had it not been, that, these questions of revenue and protection were found the most convenient topics by which to produce a change of Government in 1841, I cannot believe that any one would now be found to defend the Sliding Scale. When I have occasion hereafter to remark on the commercial system of the United States, I shall illustrate this argument further; but in the meanwhile, I may be allowed to give your Lordships an American anecdote, which is equally applicable to our own case. When one of the restrictive American Tariffs was fiercely contested in Congress, it was asked—"Call you this a Bill for the protection of American manufactures? It only protects one single manufacture, the manufacture of a President of the United States." So, I may be permitted to say, these protecting duties are to protect, not domestic interests, but the political interests of the Conservative party. I admit that we have made, and are now making progress towards an improved system. I admit that we owe large concessions in principle, and no unimportant concessions in practice, to them. Even within the last few days, by repealing the wool-tax, they have wisely abandoned at once a home protection and a colonial discrimination. They have done so with equal advantage to all parties—the producers, the manufacturers, the merchants, and the consumers. In coffee, too, I see with satisfaction, that they have reduced by 50 per cent. the colonial protection enacted but last year. These concessions, however, only serve to prove more strongly the necessity of my proposed inquiry. I entreat the Government to consent to a Committee, for the purpose of examining how far their own principles are realized in practice. Let not their abstract declarations remain a dead letter, or be reluctantly or partially applied. I cannot see many traces of their full development in the present Tariff; indeed our book of rates still continues, in many particulars, to deserve the censure passed upon it more than sixty years ago, by the author of the *Wealth of Nations*. What were the observations of Adam Smith on this subject?—

"The taxes which are at present imposed on foreign manufactures, if we except a few principal ones, have been the greater part imposed for the purpose, not of revenue, but of monopoly, or to give our own merchants an advantage in the home market. By removing all prohibitions, and by subjecting all foreign manufactures to such moderate taxes as it was found from experience, afforded on each article the greatest revenue to the public, our own workmen might still have a considerable advantage in the home market, and many articles some of which afford no revenue to Government, and others a very inconsiderable, might afford a very great one."

Our Tariff included many hundred articles, and produced in 1843 a revenue of 22,636,000*l*. But of this enormous amount 20,300,000*l*. were levied on 13 articles only, and the remaining 2,300,000*l*. included a receipt of nearly 800,000*l*. of corn duties, which the Government were pleased to disclaim as an article of revenue, though they had no scruple in carrying to their credit in the Exchequer. Most of the lesser articles were valueless and unproductive as heads of revenue, many of them were maintained solely as absurd and indefensible protections. But this system was attended with a multiplication of restrictions and of penalties, and a mystification of our whole commercial system, rendering the operations of commerce complicated and hazardous. On these grounds, I feel, I am authorized to ask for this inquiry, and I ask it with the more confidence, because I undertake to prove that, in many instances, this system is wholly at variance with the principles laid down for his Government, and given to the world in a printed and authentic form by the first Lord of the Treasury. A single case will prove my assertion. The principles laid down by Sir R. Peel in 1842 were these—1. "The removal of all prohibitions and the relaxation of prohibitory duties. 2. The reduction of the duty on the raw material used in manufactures in some cases to an economical duty, and so that they should not exceed in any case 5 per cent. 3. The reduction of duty on articles partially manufactured, so as not to exceed 12 per cent. 4. The reduction of the duties on manufactured articles to 20 per cent.; and 5. The reduction of colonial duties." I ask the noble Earl opposite, whether he can say that these principles are fully and practically carried out? Let us apply ourselves, for instance, to the promised reduction

of the duty on raw materials, to a sum not exceeding 5 per cent. What is the present duty on raw cotton? Why, during the last year it has exceeded 8 per cent. *ad valorem*; but as it is taken by weight, it imposes a burthen much more oppressive than that amount on the particular branch of cotton manufactures exported, on which it operates most injuriously. I refer to cotton-goods exported to the foreign market. As a great proportion of the raw material enters into those articles which we export, such as yarns, the consequence is that we cast upon our manufacturers, not only the extra expense of freight and insurance, but also a high duty on the raw material, to which these exports are subject, without the allowance of any drawback. The cotton-trade is only one instance, but it serves my argument if it proves a single departure from the principles laid down by the Government, in one of our first articles of manufacture; thus, even if I restricted myself to this case alone, it can hardly be denied that I have laid sufficient ground for asking for the appointment of a Committee. I have already frankly and gratefully admitted, that on these subjects we owe much to the present Government. In making this acknowledgment, I feel that I shall at once awake the hostility, and extract a disclaimer from my noble Friend on the Cross Benches, (the Duke of Richmond.) When induced to approve, it must be admitted, that we are very inconsistent woers of the present Cabinet. I humbly entreat them to advance, he sternly commands them to retreat, or at least to halt. Whatever I receive with gratitude at their hands, my noble Friend rejects with scorn and with disgust. This was exemplified in the two instances to which I have so lately adverted. We have made a very considerable advance this year, by the repeal of the duty on wool. If ever there was a measure which was thoroughly right, which was right alike for the benefit of the manufacturer, of the trader, and of every other interest connected with the subject, it was the repeal of the duty on wool. But that repeal involved, as I have already stated, the repeal of all protection, on an article of agricultural home produce, and the repeal of the discriminating duties on colonial produce. But I like it all the better on that ground, because I believe the change can produce nothing except benefit to those who have hitherto enjoyed the so-called protection, and because the interest of the Colonies themselves will be benefited by the repeal of the discriminating duties. It is on the practical effect of the alteration that I found my praise. Again, with respect to coffee, the Government have made an advance towards the equalization, or the diminution of the discriminating duty, of last year. They are going further now, and I believe, they will not fare worse. The Government have taken a wise step, they would increase the revenue and, at the same time, would confer a benefit on the people. But if the steps were wise which had been already taken, was the whole subject an unwise one for investigation? I should be sorry to think that these alterations were made too late, though it must be admitted that they have all been injudiciously delayed; in some cases, I fear, our own industry runs a risk, of being destroyed and paralyzed by the obstinate adherence to a protective system. When we apply our remedies, at last, our commercial vitality in some branches may be gone, and we shall discover to our cost how true is the ancient maxim, "*Remedia non agunt in cadaver.*" In stating that these salutary alterations should have been made sooner, I admit that many of them ought to have been made by the Whig Government as well as by the present; before the Committee I undertake to show the necessity of applying the same sound doctrine, without delay to cotton as well as to wool, and to other articles much more important than either. I also propose to show the total absurdity of some of these protections. Enamoured as we seem to be of the principle, we apply it under circumstances, which admit neither of excuse nor of palliation. What can be said in defence of imposing import duties upon articles of the same class, which we export largely, and sell advantageously in the foreign market, even encumbered with the charges of freight, insurance, and mercantile profit. We export cotton goods to the official value of 69,000,000*l.*, and cotton yarn to the value of 12,000,000*l.*; yet we take, on the import of similar foreign articles, a duty of 10 per cent. Our exports of brass and copper amount to 1,920,000*l.*, and of iron, to 6,000,000*l.*, yet foreign manufactures of the same kind are subject to 15 per cent. import duty. Woollen goods and yarns exported are valued at 8,800,000*l.*, the import duty is 15 per cent. also. A similar duty is with equal absurdity imposed on foreign linens and yarns, of which our exports exceed 5,500,000*l.* It must

not be supposed that this is a mere innocent absurdity. When coupled with other laws, more mischievously operative, it seems to indicate a hostility to all foreign industry, and it seems to affirm that our leading manufactures require the support of these indefensible protections. We thus give an example to other countries, only too ready to profit by the lesson we have unwisely given. Foreign countries often attribute to particular circumstances what is wholly owing to natural causes; and countries which cannot compete with us in cotton, or in linen, which cannot rival us in woollens, in brass, or in hardware, imagine that if we had not these protecting duties in England, they would rise equal to us in manufacturing success, and they forthwith follow our bad example. [The Earl of *Ripon*: "No."] My noble Friend may deny the evil consequences of all this. But he can hardly controvert the fact. If he does so I shall refer him to his noble Colleague, the Secretary for Foreign Affairs (Lord Aberdeen), who may place in his hands a recent correspondence with Baron Bülow, to the great cordiality and friendliness of which, the British Tariff has not very much contributed. My noble Friend will find, that not only on that, but on other occasions, and with other Powers, our own conduct was pleaded—I do not say always very fairly pleaded—as an excuse for similar acts of absurdity and of injustice, and it was thrown in our teeth in every country on the face of the earth, that we, the first commercial community in the world, adhere firmly to what was most justly stigmatized as an indefensible Tariff. We do this also at a time when we venture to profess the doctrines of freedom of trade. If it were at all offensive to my noble Friend (the Earl of Ripon) to find fault with the Tariff, in the formation of which, however, he had taken a leading part, it must be more so, to mention the Corn Laws, of many of which my noble Friend might be termed the prolific parent—I might say the Saturnian parent—guilty, as he was, of the Titanian crime of devouring his own offspring. I know that my noble Friend, in 1815, gave the farmers the pledge that they should have a price of 80*s.* [The Earl of *Ripon*: I have always said exactly the reverse.] I am sorry to hear it, for I had always thought that my noble Friend enjoyed the confidence of the agricultural body; and if he had told the farmers that they would not get 80*s.*, they never believed his assertion; they fondly trusted that they would get 80*s.* a quarter for their wheat; and they still continued to act as if every Corn Law had the power of fixing a minimum price for corn. They are in error, I willingly admit, but this only shows the deceptive and mischievous principle of our Corn Laws. But I shall proceed to illustrate the evil consequences of this protective system, by an example drawn from a foreign country. In June, 1820, the Spanish Cortes thought fit in their wisdom to enact a Law of Customs, the most restrictive and prohibitory. It was an exaggerated specimen of all the mischiefs of the protective system. This strange piece of legislation was brought under the review of an eminent philosophical writer, the late Mr. Bentham, who exposed its errors with his usual force and sagacity. "The Spanish Tariff," this author observes, "is open to eight specific objections, which may be stated as follows:—1. It seeks to substitute dearer for cheaper commodities. 2. It substitutes inferior for better articles. 3. It limits home production, by diminishing export in exchange for articles imported. 4. It produces a loss of revenue. 5. It encourages smuggling. 6. It sows the seeds of internal divisions. 7. It creates foreign jealousies, and leads to contentious and adverse diplomacy. 8. It deprives the Government and the Legislature of the confidence of the people." Such were the objections taken by Mr. Bentham, to the Spanish Tariff, of June, 1820. I do not pretend to say, that these objections apply, to the same extent or degree, to our present laws, but I undertake to prove that there is not one of these censures to which we are not liable. Even in the course of the present discussion, I undertake, with your Lordships' permission, to work out this demonstration. But how much more satisfactorily could I attain my object, if allowed to call witnesses and tender evidence before the Committee, which I entreat your Lordships to appoint. I proceed in my inquiry. Have we no case before us in which we substitute dearer commodities for cheaper? Are not your Lordships familiar with a question to which public attention is at the present moment directed with intense anxiety? I allude to the Sugar Duties. Let the price of foreign sugar in bond be compared with the price of British colonial sugar. Do we not, by the imposition of a prohibitory duty of 63*s.* on the former, as compared with a revenue duty of 24*s.* on colonial produce, create a monopoly in

favour of the latter, at the cost of the people of England? This monopoly is even closer than in former times, for the discriminating duty acts more severely since the duty on colonial sugar has been reduced from 27*s.* to 24*s.* At the present prices, the prohibition is complete, and it produces that which deserved the condemnation of Mr. Bentham, it substitutes a dearer production for a cheaper one. I know it may be repeated, as on former occasions, "You only propose to reduce the duty by some fraction—$\frac{1}{4}d.$ or $\frac{1}{2}d.$ in the pound—and this can give no relief to the consumer." A greater fallacy than this was never uttered, or to use a favourite word, was never "ventilated" abroad. The question was not the amount of duty charged, but the amount of sugar excluded. A small sum might do this as effectually as a great one, as an Italian poignard might cause death as surely as a Highland claymore. A particle of dust almost imperceptible, might stop the movement of the most powerful machine, and it would not be reasonable to say that the mischief it produced could be calculated by its absolute weight. But the present differential duty is not unimportant. It amounts, with the additional 5 per cent., to 41*s.*, or $4\frac{1}{2}d.$ per lb.; and, looking at the effect produced on consumption, by a variation of price, it seems evident that a reduction or diminution of this difference of 41*s.*, would produce an immediate effect on consumption. In 1831, the lowest price of sugar was 23*s.* 8*d.*, and the consumption has been estimated at 20lbs. per head. In 1840, the highest price was 48*s.* 7*d.*, and the consumption fell to $15\frac{9}{10}$lbs., or nearly 25 per cent. Between the years 1831 and 1841, a difference in price of $1\frac{1}{2}d.$ per lb., was followed by a falling-off in consumption of 745,222 cwt. But experience enabled us to judge of the consequences of the reduction of duty. This had been first shown in the consequences of reducing the duties on the sugar of Mauritius. It was shown still more conclusively, as consequent on the equalization of East and West India sugars, effected by myself, as Chancellor of the Exchequer, in 1836. The table which I hold in my hand, exhibits the result of a measure, which, though for many years resisted by the West Indians, as ruinous to their interests, was at length carried, as easily as if it had been a common Turnpike Bill, and it is now relied on by its former opponents as essential to their best interests:—

IMPORTS OF EAST-INDIAN SUGARS.

	Cwts.	
1831 ..	113,000	Duty 34*s.*
1832 ..	79,000	
1833 ..	98,000	
1834 ..	121,000	
1835 ..	98,000	
1836 ..	110,000	
	619,000	or average 103,166 cwt.

Duty received in six years, at 34*s.* £1,052,300

	Cwts.	
1837 ..	270,000	Duty 24*s.*
1838 ..	418,000	
1839 ..	477,000	
1840 ..	518,000	
1841 ..	1,066,000	
1842 ..	935,000	
1843 ..	1,101,000	
	4,785,000	or average 683,571 cwt.

Duty received in seven years	£5,742,000
Increased Import ..	4,785,000 cwt.
Increased Revenue ..	£4,509,000
Duty received in 1836, at 34*s.* ..	£166,600
Duty received in 1843, at 24*s.*	£1,331,000
Increase of Revenue	£1,164,400

We thus see that the country has gained by this limited application of sound principles, an increased import of nearly 4,800,000 cwts. of sugar, representing so much industry created in the East Indies; and that the revenue has profited to the extent of 4,500,000*l.* At an estimated consumption of 28lbs. per head, the increased consumption would be 1,400,000 cwts., and the increased revenue 1,680,000*l.* But, even comparing the years 1831 and 1843, had the consumption been equal, we should have received at the Exchequer an additional sum of 795,000*l.* I have thus proved, that in the article of sugar, we are justly exposed to the censure of Mr. Bentham, in substituting a dearer article for a cheaper, to the loss of the consumer, the merchant, and the revenue. And on what plea is this absurdity defended? From our horror for slavery and the Slave Trade. It should, however, be remembered, that these distinctive duties existed when we were slave-traders and slave-holders. Their real origin, like that of other protections, will be found in monopoly, and not in any humane feelings. But it is convenient to put forward a new argument, when our former argument is no longer maintainable; and it is remarkable, and almost marvellous, to find the drafts which were made successfully upon the credulity of mankind. We submitted

to the present prohibitory duties, out of compassion for the slave, and we were told, if we consumed a single pound of slave-grown sugar, that we were responsible both to God and man. What, however, did we do? How did we pay our debts to Russia? In slave-grown sugar. We traded all over the world, we dealt with the Brazils, we pressed the Brazilians to take our manufactures, and they gave us in return foreign slave-grown sugar, which we sold in the best market. We were rejoiced to receive and to sell it, if we could do so to a profit. We took it to St. Petersburgh, to Hamburgh, and all over the world; nay, we took it into our own ports, and consumed it here, if the price only rose sufficiently high; we, a high-principled people, so sensitive as to refuse touching slave-grown sugar, permitted our principles to disappear with the rise in price, and the consequence is, that we might use every pound weight of Brazilian or of Cuba sugar, imported if the price in the market was so high to make it advantageous that we should pay for it. We went further still; we brought the slave-grown sugar to England, we refined it, and we sent it out to our own Colonies. We said, that the consumption in England would be degrading, but it was a practice good enough for the planters of Demerara, and Jamaica. We condescended to consume nothing but pure sugar in our tea, unpolluted by slavery, but we sent back the slave-grown sugar across the Atlantic, as being good enough for the palates and souls of our Colonists. Our conscience is thus localized, and limited by geographical boundaries. This absurdity is, however, scarcely equalled by another which we are to be called on by the Government to adopt. We are to be called upon to favour what is termed free-labour sugar, whilst we refuse to receive sugar cultivated by slaves. Louisiana sugar, we shall, however, be called upon to receive, by virtue of our Commercial Treaty with America. How do we dispose of our humanity in this case? If we investigate the state of slavery in Louisiana, the slave-breeding establishments in Virginia and other States of the Union, we cannot but feel some surprise, that to the United States should be accorded any favour in this branch of commerce, more especially when we are called on to legislate on the principles of humanity. That the United States will send us sugar, I shall endeavour to prove on another occasion, when the Sugar Duties are brought forward. But, independently of this it is clear that in proportion as we shall take into consumption free-labour Sugar, now excluded by our prohibitory duties, in that same degree shall we raise the price of sugar on the Continent; and thus afford as direct an encouragement to slavery and the Slave Trade, as if we dealt direct with Cuba and the Brazils.

"My anti-slavery friend," observes Mr. Laird, "would admit all free-grown sugar; that is, the sugar of Java, Manilla, Siam, and China. Now, as this sugar must be withdrawn from the general European market, the price would immediately rise, and a greater demand for Brazil and Cuba sugars would take place. By the very act of opening our ports to free-labour sugar, we thus stimulate the Slave Trade as effectually as if we admitted slave-grown sugar ourselves."

I am unwilling to call the distinction attempted to be drawn by the Government a hypocritical device, but it is, at least, a delusion into which the Cabinet has been betrayed, by their errors on this subject of protection. They seek to protect the Colonies, they next affect to protect the interests of humanity; the one endeavour will be as ineffectual as the other. I shall now proceed to consider whether our own Tariff does not afford an example, liable to Mr. Bentham's second objection, "the substitution of an inferior for a better article." Perhaps this meant the same thing as the first objection; but the analytical writer, to whom I have referred, drew the distinction. What shall we say of the preference given to wine from the Cape of Good Hope over the Wines of France, Germany, and the Peninsula? How can we defend the high duties till now imposed on foreign vinegar, as compared with that levied by our home Excise. Are we prepared to justify a duty of 22*s.* a gallon on pure brandy, whilst less than half that amount is imposed on British grain spirit. Here we see the protection of inferior commodities, as substitutes for superior, forced into consumption, made the very foundation of our commercial policy. But a still stronger example is to be found in the Timber Duties, and I must say, in passing, that so imperfect and objectionable a measure, as that proposed by the Government, and carried through, never could have obtained the assent of Parliament, had it been preceded by inquiry. I must guard myself from the supposition of disapproving of some change in the former Timber Duties. On the contrary, no

possible alteration was more called for; I only object to the particular change made by Sir R. Peel. It was quite right to remove what Lord Plunket had called, and rightly called, an impediment to civilization. The subject of timber was a just subject for the consideration of Parliament. But how did the Government deal with it? If the matter had been under the examination of any fair Committee, whatever the course recommended might have been, it could not possibly have been the course taken by Her Majesty's Government. They had continued a discriminating duty, which had not been originally imposed for the protection of the Colonies. Its origin was thus stated by Lord Liverpool:—

"When in 1809, we were shut out of all trade to the Continent, and even likely to experience a great want of timber, which, as respected our Navy, was very alarming, Government sought to avert so serious a national calamity. Several merchants engaged, in consideration of a protecting duty promised to them, to embark their capital in the transport and carriage of American timber. Such was the origin of the protecting duty, proposed, not for the purposes of revenue, but to induce certain merchants to embark in a new trade. It was, nevertheless, a temporary measure, and I perfectly agree, that at the time of its adoption, any positive assurance of its continuance was refused."

So great was the protection, and so absurd was the discriminating duty, that timber had been sent from the Baltic to Miramachee and New Brunswick, and imported thence at a profit, the increased freight of this double voyage being more than compensated by the reduced duty to which it became subject under the false description of colonial produce. This absurdity, it is true, had been corrected some years back. But fresh errors were committed. We repealed altogether the duties on colonial timber, at a period when the steadily increasing receipts demonstrated that the existing duties did not check consumption. It was a trade which had gone on increasing from 1832 to 1841. The amount of duty had doubled, and had reached in the latter period, almost to 500,000*l.*

Amount of Duty received in each of the last Ten Years on British North American Timber was as under:—

1832	£267,000
1833	259,000
1834	271,000
1835	340,000
1836	323,000
1837	335,000
1838	346,000
1839	367,000
1840	459,000
1841	455,000

The Government had thus thrown away, recklessly, and without necessity, the whole of the duty on British colonial timber, in a manner which I am prepared to show, is productive of no benefit to the Colonies or to us. As far as revenue was concerned, they substituted an article which paid a duty merely nominal, for one which paid duty to a considerable amount. And the effect of the alteration of the Timber Duties by Sir Robert Peel's Tariff has been a greater loss to the revenue than he anticipated. The duty received in

1839 was ..	£1,526,000		
1840 ..	1,691,000		
1841 ..	1,488,000		
	4,705,000		
Average ..	1,568,000	..	1,568,000
Duty in 1843	703,000	In 1842	975,000
The loss of duty	865,000		593,000

Quantity of timber imported, as indicated by the official value has been as follows:—

	Great Britain.	Ireland.	United Kingdom.
1841 ..	£913,000 ..	£332,000 ..	£1,245,000
1842 ..	580,000 ..	182,000 ..	762,000
1843 ..	813,000 ..	63,474 ..	876,000

Sir R. Peel calculated his loss of duty, first year ..	£601,000
Second year	589,000
	1,190,000
Actual loss of Revenue ..	£1,458,000
Making a loss of Revenue beyond Sir R. Peel's estimate .	£268,000

The colonial timber, though good for special purposes, and able to bear a duty, was not fit for fabrics of durability and importance; and Parliament was, therefore, injuring the revenue and substituting an inferior article. We might be somewhat more reconciled to this sacrifice, if we could be convinced that it had been productive of benefits to our North American possessions. But such does not appear to be the case. In contradiction to this supposition, I shall refer to official Reports, to Parliamentary evidence, and to a late pub-

lication of high authority. Mr. M'Gregor, in his valuable work on Commercial Statistics, has said:—

"The evidence of Registry Offices in British North America, and the recorded judgments of Courts of Law prove that the numerous judgments, mortgages, and sales of land have been the consequence of farmers and others engaging in the protected timber-trade. The farmers, on the other hand, who applied their industry to clearing their lands, and to agriculture alone, were, at the same time, when they were making sure yearly gains, transforming their woodlands into valuable arable and pasturage estates."

What was the effect of the discriminating duties on the Colonists themselves? Again, I may refer to the same witness, Mr. M'Gregor's evidence given on his return to Europe, after having been employed many years in Canada, where he had full opportunities of judging for himself. In his evidence before the House of Commons' Committee of 1835, he said:—

"The wages or gains of the timber-trade, unlike the cultivation of the soil, were immediate; but the labour applied to the latter was creating a valuable estate, as well as moderate, though not quick returns. Mr. Peters pointed out several farms the possessors lost by the timber business, and several members of Council have spoken to me in a similar way. All state that the farmers, and many others engaged extensively in the timber-trade, have been dispossessed of their property, or hold it mortgaged. The advertisements for the last eight years of farms for sale, under these burthens, prove the statement; the consequence is, that the long settled agriculturists at the present moment consider the timber-trade no great advantage to them in the Colonies. I have correspondence to justify me in saying that three-fourths of the French Canadians, a majority of the population of Upper Canada, a great portion of those of Nova Scotia, and nearly all of Prince Edward's Island, will justify me in what I say."

Mr. Richards, in his Report on the timber-trade, anticipates Canadian improvement as the consequence, not of the increase of the timber-trade, but of its abandonment, "When time or chance shall compel or induce the inhabitants to desist from this employment, then agriculture will begin to raise its head." Let me now inquire what had been the effect of this discriminating duty on the trade with Sweden and Norway? The value of British exports to Sweden, in 1814, had been 511,000*l.*; in 1819, only 46,000*l.* British exports to Norway, in 1815, amounted to 199,000*l.*; in 1819, only 64,000*l.* After the Peace we had pursued a system which had nearly extinguished the trade of Sweden and Norway. On this subject I beg to call the attention to the evidence of Mr. Consul Horne, on the effects produced by our discriminating duties on our trade with Norway. "I do not know any countries in the world so well adapted for beneficial commercial intercourse as England and Norway. Yet England has been the first to throw us out, compelling us to look for connexions with France, who would admit the produce of our soil on more favourable conditions. In lieu of articles of British and Irish manufactures, we are obliged by a spontaneous act of your own Legislature, to use the linen cotton belonging to the German League, and even the coffee and sugar we annually consume. The port of Dram, before 1807, exported frequently upwards of 100 cargos of wood to Ireland, now it rarely exports three." As connected with the Timber Duties, on which the Government have erred so egregiously, I shall allude to the duty on staves and the case of the Coopers. This, it is true, is but an incidental matter; it is important, however, as showing the difference between dealing with these subjects after mature consideration, and dealing with them on an unsettled principle. In the repeal of the Timber Duties, there had been an inconsiderate abandonment of duty, because these duties might have been altered to the great advantage of the revenue, and without injury to the consumer. Yet the Government had gratuitously sacrificed revenue, and in doing so, had cruelly injured a deserving body of men—the Coopers. Let them not undervalue this class; a more industrious or praiseworthy order of tradesmen was not to be found in the country. What had been done in respect to them? We repealed the duty absolutely on staves imported into the Colonies; we might wish to encourage the Colonies, and of that I do not complain, but at the same time, we left most complicated discriminating duties on staves imported into this country, and this without allowing a drawback on the exportation either of staves or casks; the result was, that a trade which had existed with the Colonies, and indeed with foreign countries, for instance, the export of butts to Madeira—had been destroyed; Parliament had thus encouraged the importation into the Colonies of the manufactured articles from other places, and had checked the exportation from

hence. By the law which the ingenuity of the Government had thus applied, they deprived the poor Coopers of a valuable market for their industry, and left them burthened with a duty to attempt a ruinous competition with foreigners who were freed from the duty altogether in the article of staves, and who paid a reduced duty even on the importation of manufactured casks. This injustice had deprived several hundred most industrious men of their usual occupation and of its reward. Such was the consequence of inadvertent legislation. I could multiply such instances, were I not desirous of limiting my demand on your Lordships' time and attention. The next point to which I shall apply myself is "the effect of protecting duties in limiting our Export Trade." I assume for the present that there is no smuggling, for if smuggling is produced, protection is to the same extent defeated. This proposition is so clear, that it might almost be left to explain itself. If imports were allowed, exports must necessarily follow, unless foreign countries became so disinterested as to sell without receiving payment in return. In every case the State admitting articles produced by other countries must, in the long run, either directly or indirectly obtain the means of paying for all it received. I have already shown the diminished value of our exports to Sweden and Norway, as produced by our discriminating duties. But the same principle might receive other and still stronger illustrations. The loss of revenue, to which Mr. Bentham adverts, can be conclusively demonstrated on the evidence of Mr. Deacon Hume:—

"I have no doubt, (he stated to the Import Duty Committee) that if there were no protecting duties, the revenue would flow in with a great increase and with great ease."

He, indeed, considered that one class of these protecting duties was equal to a tax of 36,000,000*l.* which the public were paying as effectually as if it were paid into the Exchequer:—

"Under a freedom of trade, I can scarcely believe that the effect would not be to raise the produce of the revenue one-quarter or one-third greater than it now is, and that without laying on one additional duty."

Mr. Hume calculated on an increased recept of 1,000,000*l.* on sugar; an additional increase of 1,000,000*l.* on timber. Mr. M'Culloch states conclusive reasons for expecting an increase of 1,000,000*l.* on brandy, and Mr. M'Gregor suggests alterations in the Tariff, which, he conceives, would raise the Customs' revenue to 29,000,000*l.* In these anticipations they were fully borne out by the practice of one of the greatest free-traders, as a Minister, which this country had ever possessed, not excepting Mr. Huskisson himself; I allude to Mr. Pitt, who had laid down free-trade doctrines more broadly, and had applied them more boldly, than almost any other statesman upon record. He began this system in the year 1786, and has left us no reason to doubt but that he continued steady to these principles to the end of his career. In 1786 Mr. Pitt reduced the duties on brandy and Geneva one-half, and he quadrupled the consumption. From 1800 to 1803, at a duty of 9*s.* 2*d.*, the consumption of foreign spirits amounted to 2,700,000 gallons. In 1843 the consumption was only 1,038,000 gallons, the duty being 22*s.* 6*d.*, and this on an article not worth more than 3*s.* to 5*s.* in bond. The "increase of smuggling" is a consequence of protecting duties, which connects itself closely with the loss of revenue. This is, perhaps, more strongly exhibited in foreign countries than our own, because the more exaggerated are the efforts made to produce protection, the greater will be the determination to defeat them. We shall find our most striking example of this in Spain, where we see industry checked and the revenue ruined by the system of prohibitions and protections.

"Smuggling in Spain is so well organized (observes Mr. M'Gregor, in his Commercial Statistics) that there are estimated to be 100,000 armed men engaged in it, and more than 300,000 persons engaged in this mode of life, having scarcely any other occupation but the contraband trade. The cotton manufacturers themselves, and several members of the Cortes, are represented as actively engaged in it."

Marliani, in his *Influence of the Prohibitory System*, makes the following striking statement:—

"Since 1769, when the cotton manufacture commenced in Catalonia, the trade enjoyed a monopoly. What has been the result? From 1834 to 1840, we have an average importation of 9,900,000lbs. of cotton, or $\frac{1}{60}$ of the importation into England in a single year. Has the prohibitory system really afforded any protection to the Catalonian manufacturers? Most certainly not. One-third of the French export trade is smuggled into Spain. The whole smuggling trade is as follows;—

Imports from France (by Government Returns)	..	£1,331,608
Imports from England through Spanish Ports	..	34,637
Imports from England by Gibraltar	.. ..	608,581
Imports from England by Portugal	.. ..	540,000
Imports from England by Leghorn, Genoa, &c.	..	500,000
		£3,014,826

It is computed that the prohibitory system costs Spain 360,000,000 reals, or 4,000,000*l.* annually. Here we find an example, in the case of a country which ought to be a great one, of a sacrifice of its wealth and its public credit, in an abortive attempt at protection. In France the result has been much the same, and it might afford some consolation to noble Lords who recently apprehended the importation of cattle to a great extent under the new Tariff, to be informed that a number of beasts have been seized and condemned in France, on the ground that they had been smuggled into that country. This is admitted in the following extract from the *Encyclopédie du Commercent* by M. Blanqui, a work which I have seen quoted as being one of authority;—

"The contraband trade is the only resource left to the industrious classes to procure foreign articles, the use of which they consider indispensable, but which are either absolutely prohibited by law, or by the high duty which law imposes. The notorious increase of smuggling in extent and management, proves that the legislation respecting the Customs should be in harmony with the wants of the people. If the import duties were moderate, the risks and penalties of smuggling would never be incurred. That system must be indeed defective, which ruins conscientious men who obey the laws, and which enriches the smuggler who disregards them."

Such is the state of things in France, but I may be told that no such evils prevail in England,—my Lords, do not be too confident on this point. Smuggling to the same extent does not exist in England it is true, but there is good reason for knowing that it is carried on very extensively. The examination of Mr. Porter showed that 1,730,000 lbs. of silk were annually exported from France, which never paid duty in this Kingdom.

	lbs.
The silk goods entered at the French Customs House as exported to England amounted to ..	3,500,000
The silk goods entered at the English Custom House as imported from France did not exceed ..	1,875,000
Amount of silk smuggled from France	1,713,000

To make the statement more intelligible, I shall proceed to show the amount lost to the Revenue—

	£
Had the full duty been paid on the imported silk, it would have amounted to	3,754,000
The amount of duty received was only	1,961,000
The amount of duty evaded, was	1,792,000

In every 100 cases of importation of silk, it may be concluded that fifty-two are entered at the Custom House, and that forty-eight are contraband. It is thus our laws are defeated, even in a case where the duties have been considerably, though not adequately, reduced. How much worse would it have been had the former duties been allowed to remain unaltered! If further proof was wanting of the evil consequences of protection, your Lordships might look at the Statute Book for the odious, unjust, and oppressive laws necessarily passed to prevent smuggling. A story was current relating to the late Chief Justice, Lord Ellenborough ["No, no," from Lord *Colchester*.] I only allude to this as an anecdote, not at all discreditable to the Nobleman in question, to whom, no blame could be imputed, but as an example of the system. It has been asserted that a quantity of smuggled lace belonging to one of his family or suite, had been seized in Lord Ellenborough's carriage, and, if so, according to strict law, the carriage, horses, and everything else became forfeit. What had happened to Lord Ellenborough might have occurred to anybody else. So impossible was it to make laws against the contraband trade without violating all constituted and great principles. The effect of all this is further shewn by a return on the Table of the House. The number of prosecutions against smugglers in 1842 and 1843, have been as follows:—

	1842	1843
England	815	1147
Scotland	64	107
Ireland	86	206
	965	1460

In addition to all this the State is called

on to incur the following enormous charge for our Preventive Force—

Harbour Vessels	£. 4,040
Cruisers	101,534
Preventive Guard	391,584
Land Guard	19,048
Annual Charge	£517,106

To which may justly be added above 50,000*l.* for the Excise Police. Another of the evils of protecting duties was, the internal divisions those duties had notoriously produced. This was true at all times, but most especially exemplified at the present moment. The wounds occasioned by prohibitory duties on the subject of Irish woollen goods and cattle were not yet healed, and they had recently been used as topics of agitation and disturbance. The repealers reminded their countrymen that the import of Irish cattle had been voted a grievance, and that William III. had answered his faithful Commons in 1697, that he would do all in his power to discourage the woollen manufactures in Ireland. But without reference to Ireland, were we quite free from internal dissensions nearer home, and on the same account? Did not the Anti-Corn-Law League and the Protection Societies arise out of protecting duties? And if protecting duties were imposed in favour of the governing classes, by those very classes themselves commanding, as they do, majorities in both Houses of Parliament, was not this a state of things deserving the best attention of the Administration; for could it be denied that it was a case leading to the greatest discontents, and open to the most just suspicion? I have stated, from Bentham, as one of the evil consequences of the protective system, the embarrassments of all political relations between nation and nation. I believe that the obstinate contests between France and Holland, in the reign of Louis XIV. were greatly embittered, if not created by the anti-commercial system of Colbert, whose Tariff, however, was in some respects less restrictive than our own. But in later times, if we consider the foreign jealousies arising out of the same cause, nobody could view our own diplomatic relations without seeing practically in our own, as well as historically in past times, the mischief that had been produced. Look at our unavailing, but most irritating diplomacy with France, with Spain, with Naples, with Portugal, and with the Brazils! Most of these difficulties seem to me to have arisen from our desire to contend in favour of domestic protection. This could not be the case if our Customs Tariff were of a different character. If duties were only imposed for purposes of revenue, no foreign State has a right to complain of them; but if the object of our duties is admitted to be the protection of a peculiar interest at home, to the injury of a similar interest abroad, it is no wonder that complaints are made, and that such a system of legislation should be held up to the indignation and scorn of Europe. I am far from denying that where a system like ours has grown up for centuries, it requires a sound discretion to guide us in applying the principles of practical reform. It might certainly be much easier to form a new system which was right, than to correct an old and injurious system, the growth, perhaps, of centuries, to which the wants, industry, and interests of the people might to some extent have adapted themselves; and I am quite ready to admit that in solving many of these difficulties, it is necessary to approach them cautiously, with a due consideration for excited hopes, and for interests which that system itself has called into existence. These considerations, however, are not to prevent the adoption of a right course, at a right time, and, should your Lordships consent to an inquiry into the subject, whilst the first object of the investigation would be, to consider what were the sound principles of commercial policy, the second would be, how it would be most fit, safely, honestly, and impartially, to introduce a new and improved system. But we cannot enforce this by retaliations, or by diplomatic astuteness. On the contrary, I believe it to be wiser, on the whole, that we should act independently for ourselves, that we should legislate liberally and wisely, thereby promoting our own interests, and leaving foreign governments either to suffer from their ignorance, or to profit by our example. I am aware that this notion of making what are called concessions, without stipulating for equivalents, is startling and unpopular. But I perceive with pleasure that it has obtained the sanction of this Government. They last year repealed the duty on the export of machinery gratuitously, though this was one of the points for which France had expressed her readiness to make a reciprocal concession. They had in the present Session wholly repealed the duty on wool, without seeking from the wool-growing countries any corresponding advantage. I do not deny that if we could secure the

improvement of our neighbours' Tariff, we should add to the benefits attending the improvement of our own. But we ought not to refuse ourselves one benefit, because we are unable to obtain two. Such were the opinions of that enlightened man, James Deacon Hume, on whose authority I have so frequently had occasion to rely. His views were so strongly stated before the Import Duty Committee, that I must be permitted to refer to them more at large. The questions and answers are as follows:

"Would you remove our own protection without any foreign country removing theirs?—Most certainly, and without even asking them. I dislike treating with foreign countries upon any subject of this kind except navigation.

"Do you not consider a retaliatory duty as adding to the injury which the duty imposed by the foreign country is likely to occasion?—I have always thought so. I have disliked all treating in the matter. I would take what I wanted, and leave them to feel the value of our custom. I do not think our mode of dealing with Neapolitan oil was the best mode of gaining our object. The Neapolitans taxed some of our goods, and we retaliated by in effect taxing others. We made woollens suffer here, because they made our cottons and hardwares suffer there.

"I think we should settle our commerce better amongst ourselves, than by attempting to make treaties with other countries. We make proposals to them; they do not agree to those. We then feel repugnance to doing that which we ought, perhaps, in the first instance to have done of our own accord, and I go upon the principle that it is impossible for us to import too much, that we may be quite sure that the export will follow in some way or other.

Nor is it only a practical Officer of Customs, and the adviser of Mr. Huskisson who adopts these conclusions. An eminent writer, who has rendered valuable services to the cause of economical science (Mr. M'Culloch), states his convictions with equal force. In his notes on the *Wealth of Nations,* he observes:—

"The French Government, by an unwise and impolitic legislation, prevent the introduction of the cheap and superior cottons of England into France, and consequently force their subjects to misemploy a large proportion of their capital, and to purchase inferior articles at comparatively a high price. But, need it be said, that this is a line of conduct to be avoided—not followed. The fact, that a foreign government does an injury to its own subjects by making them pay an artificially enhanced price for cottons and hardware, can be no apology for the Government of England injuring those entitled to its protection, by excluding them from the cheapest market for wines, brandies, and silks. To act thus, is not to retaliate on the French, but on ourselves. It is erecting the blind and brutal impulses of revenge, into maxims of state policy."—*M'Culloch* (Note XIII).

I could carry this argument much further, and illustrate the evil effects even of what, in their time, have been considered as advantageous diplomatic arrangements, such as the Methuen Treaty for example; but, that I am desirous of passing to the last of Mr. Bentham's observations. The protective system, he remarks, produces a diminished confidence in the wisdom and the justice of the Legislature, and of the Government. My Lords, have we no evidence of this most dangerous result around us? Let me ask, what are the judgments formed by the great masses of the poorer classes, and of the middle classes also, on the justice and wisdom of a Parliament, which maintains the protecting system, and more especially the Corn Laws. The object of all these regulations is to raise prices artificially. By this, as far at least as agricultural produce is concerned, we are considered to profit as landlords; but the pressure is thrown upon the most necessitous and suffering classes. I will not carry this argument further. It is almost too important to be used as a mere illustration, but it ought to dwell on your Lordships' minds, as I am convinced it dwells on the minds of your countrymen. I have thus completed my argument, so far as it relates to Mr. Bentham's condemnation of the Spanish Tariff, and I have endeavoured to prove that every objection which he has raised, applies to our existing system. The next branch of my observations will bring before your Lordships a more general view of the same question, still leading to the same results. Perhaps, I may have more chance of carrying with me your Lordships' convictions, as I mean to take a review of the mistaken policy of some foreign states. It is extraordinary how much more readily we admit a truth, when it applies to our neighbours, than when it requires from ourselves any sacrifice of our own preconceptions or interests. The first, and the most instructive example, is that of the United States. From the year 1789 to 1807, the foreign commerce of the States was almost unfettered. The principle of protection was so little known, there was scarcely any one article of import, subject to a higher duty than 15 per cent. Yet it was, during those very years, that the progress of the United States in wealth, commerce,

and population was the most signal. I entreat the attention of the House to this fact. It is important. No argument is more frequent or plausible than this:—we are told that though protection may not be necessary in the maturity of a state, it still is required in its infancy. I deny this, being firmly of opinion, that in the infancy of a state the system of protection is most objectionable, and the case of the United States may be taken as an illustration of my doctrine. We know from experience, that if the principle of protection is once admitted, it is very difficult afterwards to abandon it. In 1790, the value of the imports was but 23,000,000 dollars, and of the exports, but 20,000,000 dollars. The population was 3,929,000, and the value of imports to the population was about 5·3 dollars per head. In the ten subsequent years, during which there was some near approach to freedom of trade, the imports rose from 23,000,000 of dollars to 91,000,000; the exports from 20,000,000 to 70,000,000 dollars, and the consumption of foreign produce from 5·3 to 16·5 dollars per head. In 1807, occurred the embargo, in 1809, the Non-Intercourse Act, in 1812, the war, and in 1814, the Treaty of Ghent. Towards the latter period, the duties were doubled. In 1816, commenced the restrictive and prohibitory system, which was carried out to its full extent of mischief to America in 1828. Now, let us see the consequences of the change. The exports which, we have seen, were in 1800, 91,000,000 dollars, fell in 1830, to 70,876,000 dollars, although the population had augmented from 5,309,000 to 12,838,000, and the consumption of foreign produce by each American citizen, fell off to 5·6 from 16·5 dollars. The House will doubtless remember the feuds and civil dissensions which were the consequence of this most impolitic system. The permanence of the Union was endangered; the cry of nullification was raised; civil war seemed to be on the point of breaking out, and the following violent and threatening resolutions were adopted in Carolina:—

"If we have the common pride of men, or the determination of freemen, we must resist the imposition of this Tariff. In advising an attitude of resistance to the law, we deem it due to the occasion, to state our constitutional faith. Let the legislatures of Virginia, the Carolinas, Alibama, and Georgia, meet and prohibit the introduction of horses, mules, cattle, pigs from Tennessee, Ohio, Kentucky, and Indiana; whiskey and cheese, from New York and Pennsylvania. We shall soon see what they have gained by their Tariff."

But, I pass over the political argument, to revert to that which more closely bears on the subject I have in hand, revenue and commerce. In 1833, the Compromise Act passed, providing for a gradual reduction of the Import Duties. What was the consequence? Why, the value of imports rose between 1830 and 1840, from 70,000,000 to 127,000,000 dollars, the exports from 73,000,000 to 121,000,000 dollars, and in place of 12,800,000 inhabitants, consuming foreign goods to the average value of 5·6 dollars per head, the population increasing from 12,838,000 to 17,063,000, and the consumption of imports from 5·6 to 7·8 dollars. But this is not all. If any further illustration is requisite, it has been given in the effects of the last Tariff, more oppressive still than that of 1828. In three years, the imports again fell from 127,000,000 to 89,000,000 dollars, with a population, which, in the meanwhile, had rapidly increased. I have taken my statements from the works of Mr. Raguet. But, I find the strongest confirmation of his statements, in the speeches of Mr. Calhoun made in Senate. On the question of the Tariff in 1842, that very eloquent statesman, made the following observations:—

"I have shown from the commercial tables and other authentic sources, that during the eight years of high duties, the increase of our foreign commerce and of our tonnage, both foreign and coastwise, was almost entirely arrested; that the exports of domestic manufactures actually fell off. I also showed, that the eight years of the reduction of duties which followed, were marked by an extraordinary impulse given to every branch of industry, agricultural, commercial, manufacturing, and navigating. Our exports of domestic productions, our tonnage increased fully one-third, and our manufactures still more. It was under these circumstances that the Bill of 1828, which so greatly increased the duties, was introduced, and became law—an act of legislative folly and wickedness, almost without example. Well has the community paid the penalty. The real complaint of the friends of the Tariff is, that merchants can furnish the market cheaper than the manufacturer, and what, in truth, is asked, is, that the cheaper process of supplying the market should be taxed, by imposing higher duties on importation, in order to give the dearer articles a monopoly, that they may be sold for higher prices."

Such were the views of Mr. Calhoun, and we have thus seen exemplified by the history of a series of years, the consequences

of a false system. A more conclusive instance of the kind could scarcely be pointed out. Restrictions are dangerous in a despotic state, but the despot might by some happy accident, be an enlightened one; but in a Republican state, a restrictive policy is liable to be made subservient to the lowest, vilest, and most transitory personal and party interests. Reverting to a period before the Compromise Act, when the manufacturing interest was not sufficiently strong to maintain its protection; it called to its aid other interests, those of Louisiana and Kentucky, and offered as an inducement for political support similar protection to the sugar of the one, and to the sacking of the other. This system of policy was very happily ridiculed, not indeed by a State Paper, but by a document drawn up in the United States, which I take leave to read, as some relief to the dry details which it had been necessary for me to introduce. It was a supposed petition to Congress, from the oystermen and other inhabitants adjoining the Delaware, and it ran in the following terms:—

"Respectfully represent that they have been long engaged in the business of catching rock-fish and perch, in raking oysters, and shooting wild duck, for the Philadelphia market; and in pursuit of their respective occupations have set in motion a great quantity of American industry employed in fishing, shooting, boat-building, and navigating. That your petitioners are great admirers of the American system, inasmuch as it teaches the glorious truth that home industry ought to be protected. That your petitioners view with regret the completion of the Delaware and Chesapeak Canal, which, owing to the superior abundance of fish, oysters, and wild duck on the Chesapeak, enables the fishermen, oystermen, and duck shooters of Maryland, a foreign state, to undersell your petitioners; thus creating an unfavourable balance of trade against Philadelphia, by which a large amount of specie will be drained from her."

Here were all the arguments fairly stated and employed on the behalf of the oystermen of the Delaware: they were, however, of equal validity, as many, which your Lordships are well accustomed to hear, whether applied to the manufacturers, on the one side, or to the agriculturists on the other. In the present Session of Congress a better system seemed for a time likely to prevail, and a Committee of Ways and Means appointed to consider the Tariff, made a Report containing the following very important admissions:—

"An examination of the present Tariff-law, and of the Import-tables, have demonstrated to us a proposition we believe not controverted in any quarter; that to obtain increased revenue from the imports charged with duties under the existing law, the rates of duty established by that law must, in the general, be reduced."

The practical recommendations of this Committee were, that duties of 25 per cent., *ad valorem*, should be imposed on woollens, linens, silks; 20 to 25 per cent. on metals, and 30 per cent. on wine, being a reduction of about one-third of the present duties. Even this amount of duty appeared indefensible as a permanent system, for the Committee proceed to remark:—

"We cannot consent to the continuance of this degree of protection but on the condition that the demands of the Treasury require the higher duties, and only as long as that necessity shall continue to require them.

"A branch of manufacture which cannot sustain itself against foreign competition under a protection of from 25 to 30 per cent., must be in a very sickly state, almost too sickly to authorise higher taxation upon an industrious people to sustain it."

As a reply to the document from which I have quoted, a Report was made to Congress by the Committee of manufactures, which took the very opposite side of the question. And how did they justify a protective policy? Not so much by American experience,—for that would have told the other way,—as by the example which we of the British Senate have so unfortunately and unwisely given. The Committee ask, with but too much of reason,—

"What is the free-trade which England tenders to us? She imposes the following rates of duty on our products:—Salt beef 60 per cent., bacon 109 per cent., butter 70 per cent., Indian corn 32 per cent., flour 32 per cent., manufactured tobacco 1,200 per cent., unmanufactured tobacco 1,000 per cent. On fourteen articles she imposes an average duty of 355 per cent., a duty vastly larger than we impose on any of her fabrics. Her policy is also seen in the differential duties she imposes."

The mischievous effects produced on American interests created by their injudicious restraints created by the Tariff is most strikingly exemplified by a paper I hold in my hand, which shows the average value of imports in 1840, 1841, and 1842, and comprises that average with the actual receipts in the first three quarters of the year 1843. The results are as follows:—

VALUE OF PRINCIPAL ARTICLES IMPORTED INTO THE UNITED STATES OF AMERICA.

	Average Value, 1840, 1841, 1842.	Import for 3-4ths of a year at that average.	Actual Import 3-4ths of the year 1843.
	Dollars.	Dollars.	Dollars.
Woollens, except Carpeting	5,676,000	4,257,000	1,472,000
Worsted . . .	2,033,000	1,524,000	456,000
Cottons . . .	8,710,000	6,525,000	2,733,000
Silks	12,705,000	9,534,000	2,719.000
Linen	4,569,000	3,426,000	1,209,000

From this table it is apparent that the import trade, which would in all probability have amounted to 25,266,000 dollars, has been, by bad laws, reduced by two-thirds, or to a sum of about 85,000,000. Thus, the consumption of all the great articles of commercial industry and enterprise have suffered, under the weight of unwise protection. To the system of protection the Americans may trace the loss of their trade; and thus a country, kindred in blood, and which ought to be progressive in commercial prosperity, had been grievously injured by the same cause which, to a certain extent, had afflicted Great Britain. [The Duke of *Richmond:* They ought to pay their debts.] I fully agree with my noble Friend: "they ought to pay their debts;" but there is one debt they are bound more especially to pay. Congress owe a debt to the people of America, and this debt they could only pay by adopting a very different system of commercial and financial policy. Let them revert to a wiser system, and they will discharge an obligation due to foreign nations, as well as to their own citizens. Neither let them think that this course is recommended from this side of the Atlantic only. The opinions which I have expressed are fully supported by the following striking sentences from their great statesman, Mr. Jefferson:—

"Instead of embarrassing commerce under piles of regulations, duties, and prohibitions, could it be relieved from all shackles in all parts of the world; could every country be employed in producing that which nature has best fitted her to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass, then, would be produced of those things which contribute to human life and human happiness, the number of mankind would be increased, and their condition bettered."

In an inquiry like the present, it is impossible wholly to overlook the case of France, with which country, if an equal and just system of Revenue Laws prevailed, our commerce would be enormous, and equally profitable to both parties. Such was the opinion of Mr. Pitt, when called upon to vindicate the Treaty of Versailles:—

"France, he observed, was, by the peculiar dispensation of Providence, gifted, perhaps, more than any other country on the face of the earth, with all that render life desirable in point of soil, climate, and natural productions. It had the most fertile vineyards and the richest harvests. The greatest luxuries of life were produced in it with little cost and with moderate labour. Britain was not thus blessed by nature; but, on the other hand, it possessed, through the happy freedom of its Constitution, and the equal security of its laws, an energy in its enterprise, and a stability in its exertions, which have gradually raised it to a high state of commercial grandeur; and not being so bountifully gifted by Heaven, it had recourse to labour and art, by which it had acquired the ability of supplying its neighbours with all the artificial embellishments of life in exchange for their natural luxuries."

Unluckily for the world, neither country has practically adopted those principles which would have given effect to the generous wishes and anticipations of Mr. Pitt. What had been the conduct of France, and what its effects? To protect her forest interest France imposed heavy duties on British iron, thereby ruining that which ought to have become one of her staple interests, the wine-trade of the south and east. In order originally to create and now to protect her "filatures," she next imposed oppressive duties on yarn; this reduced the labour of her weavers. To assist them and the spinner, she finds her deficiency is a want of machinery. England repeals her prohibition, and the French manufacturer thinks his fortune is made. But no; a new interest steps in and demands protection in its turn; the French mechanist, also requires that, for his sake, increased duty should be imposed on the import of machinery. His prayer is heard; but when he undertakes entering into competition with his English rival, he finds his efforts frustrated by the first duty to which I adverted, the tax on iron, and thus every step in this vicious circle demonstrates that it is impossible to apply protection, without incurring, I will not say, the risk, but the certainty of doing more harm than good; the good was at best transient—the injury permanent. Mr. Porter estimates the tax which France imposes on the consumers of iron to amount to 80 per cent., and this at a time when her interests as well as her

vanities are so deeply involved in the extension of railway communication. In respect to yarns, it may so happen that the smuggler should in some slight degree, remedy the evils of a bad system of laws. It looks at least suspicious, that our export of yarns to Hamburgh has increased in proportion to the augmented pressure of the French import duties. The export of yarns to northern Germany has increased in the following ratio:—

1841	904,000lbs.
1842	1,831,000lbs.
1843	3,504,000lbs.

How much of this may find its way into France I have not the means of judging, but that a large smuggling trade is likely to exist in an article so valuable, so portable, and so highly taxed, can hardly be doubted. The deplorable state of the wine-trade was described by the wine-growers so far back as the year 1828, in the memorial of the proprietors of vineyards in the Gironde. The following passage is a translation of one part of their very touching representation:—

"What is the basis of the prohibitory system? A delusion which seeks to sell to the foreigner without buying in return.

"Our industry required for its increase no monopoly, nor those multiplied protections which oppress the country. A wise freedom of trade was our only want. A contrary system has prevailed.

"The ruin of one of our most important departments, the distress of all the neighbouring departments, the decay of the south of France, an immense population limited in the means of support, an enormous capital endangered, a difficulty in levying our taxation a reduced consumption, a stagnation of commerce, such are the bitter fruits of the system of which we are the principal victims."

Since the date of this memorial, and more especially since 1830, some important changes have been made for the better in the laws regulating our trade with France. I rejoice to think that in our intercourse with France, we have recently made advances however slight towards an improvement of the system. We flattered ourselves that the days of absurd and illiberal jealousy were happily gone by, and in the year 1831 the duty on French wines was reduced; all wines were then put on the same footing, excepting Cape wine, which last article, as I have shown, affords a happy instance of the substitution of a worse article for a better, and of an article paying a low duty for an article paying a high duty. What has been the result of the change of policy as to French wines? The consumption has very considerably increased. In 1830, the high duty of 7*s.* 3*d.* only yielded a revenue of 110,000*l.* on a consumption of somewhat more than 300,000 gallons. In 1842, the reduced duties on French wines have produced within a trifle of the same sum, the consumption being 489,000 gallons. The export trade which we carry on with France is in a still more satisfactory state, and that great country is becoming rapidly, even in spite of many remaining most unwise taxes on both sides, one of our greatest customers. The following accounts exhibit these gratifying results—

British Produce in Declared Value.

	£
1833	848,000
1834	1,116,000
1835	1,453,000
1836	1,591,000
1837	1,643,000
1838	1,314,000
1839	2,298,000
1840	2,378,000
1841	2,902,000
1842	3,193,000

To which should also be added a considerable export trade in colonial and foreign produce. Rapid as has been this progress, how much more rapid would it have been on both sides, had England and France adopted in concert a wiser and more enlarged line of commercial policy? It will be a more agreeable duty, and it affords me an equally forcible argument, after having pointed out to your Lordships the cases, unhappily but too numerous, in which a neglect of sound principles has led to the discouragement of national industry, and the diminution of national wealth, to proceed to notice some instances of a contrary kind. These examples will tend to prove that where we have cast off the fetters of ignorance and prejudice, and have applied sounder doctrines, the consequences have been most satisfactory, commerce and industry have prospered and extended, and this, even where we have shrunk from carrying out our doctrines to their legitimate extent. If a Committee were granted, I am prepared to show that the improvements to which I am about to advert are justly attributable to this cause. We have hitherto looked at the darker side of the picture. If I do not deceive myself, I have established the evils of the protective system; but fortunately, and very much owing to the spirit of better and modern times, and in many cases to the le-

gislation of noble Lords opposite, instances are afforded of the advantages arising from the application of better principles. I shall give your Lordships many instances, all resting upon facts, and not upon abstract reasoning. My first example shall be drawn from the Silk trade. The progress of this manufacture is perfectly astonishing, since those ancient days when silk was literally worth its weight in gold, to the present time, when it enters largely into the clothing of the higher and middle classes. This has not been the effect of protection. This trade was not originally so burthened. From 1685 to 1692, the trade was so far free, that we imported silks from the Continent to a considerable annual amount. In 1697 and 1701, the prohibitory system was introduced. What was the consequence? Smuggling;—you proceeded further,—to give a special and local protection to London, you passed your absurd Spitalfields Act. Combinations of workmen, riots and violation of the law ensued, and your trade was driven from London to Lancashire and Cheshire. You erected the silk manufactories of Macclesfield and Manchester. Yet, so late as 1820, so extraordinary were the opinions entertained on this subject, even by practical statesmen, that Lord Liverpool, in his speech on foreign trade, on the 26th of May, deprecated the application of a more liberal system to the silk-trade, and said, "I allow the silk manufacture is not natural. I wish we never had a silk manufactory. The trade is natural to France. It would have been better if French silks had been exchanged for English cottons." Now it should be borne in mind that the silk-trade of England, so undervalued in 1820, now amounts to about 12,000,000*l.* a-year sterling; a great proportion of which goes in payment of wages; yet I have shown you that in the year 1820, the Prime Minister of this country was so led astray by the doctrine of protection, that he expressed his strange wish, that this manufacture, now one of our staples, had never existed. In the time of Mr. Huskisson, a better system was adopted. The raw material and the half-manufactured material, the thrown silk, were brought more abundantly into the manufacturing market, by a reduction of duty; protective duties were repealed, duties more moderate, though still excessive, were imposed, and the result was, an immediate extension of the trade. Our consumption of raw silk on the average of the three years 1821, 1822, and 1823, before the reduction of duty, did not quite amount to 2,400,000 lbs. In 1831, 1832, and 1833, the average rose to 4,565,000 lbs. We now export silks largely, and are even enabled to dispose of our silks to a profit in the French market itself. Yet when these alterations, now proved to have been so beneficial, were at first proposed, the alarm was as great and the anticipations of ruin were as confident as they are now, if it is proposed to some agriculturists, to abandon the Sliding Scale. The truth is about equal in both cases. Mr. Huskisson fortunately lived to see the success of his own measures, and the silk weavers of Macclesfield, who had declared themselves ruined by his measures in 1825, drew his carriage in triumph through their town in 1830. I shall now draw an illustration from another trade, that of linen. We might have imagined that no trade could be more natural to this country, and that no trade less required interference, and yet no trade has been more the object of protection. It was, however, well suited to our country and to the habits of the people, and therefore, in spite of all protection, it has survived. Yet regulations of all kinds were made to disturb the market. Buying and selling were all settled by law. Salesmasters, Inspectors, Alnagers, were appointed, and restrictions and penalties were fixed on every operation of trade. But what was the advantage of all this protection? A transit duty was put upon the import of the linens of all other countries; although it was necessary to have foreign linens combined in assorted cargoes with English linens, in order to promote their sales in foreign markets. In the very same speech from which I have already quoted, Lord Liverpool said, "What would be the effect on Ireland if the transit duties on foreign linens were repealed? It would destroy the peace and the tranquillity of the most prosperous part of that country." These duties, I rejoice to think, have now been for many years wisely repealed, the peace of Ulster has not been endangered, and the linen-trade has improved and still is improving. But we were as lavish of our money as we were of our restrictive legislation. Mr. M'Culloch states his belief that the public money wasted in bounties and other grants, would, very nearly, amount in value to the whole linen-trade of the Empire. Be this as it may, the enormous sums uselessly expended cannot be controverted. From the year 1814, to

the year 1833, there had been paid 4,011,235*l.*, as bounties on the export of linen manufactures. From the time of the Union, up to 1820, there was half a million, or more paid to the linen-trade of Ireland, for the encouragement of this trade. The Linen Board was kept up to make Reports and appoint officers at an annual charge of about 20,000*l.* This system has been abandoned; there are no longer any transit duties levied on foreign linens. Having withdrawn all encouragement of this kind, what has been the result? I believe that at the present moment the application of capital, skill, and science in the north of Ireland has made the linen-trade more profitable in that country than at any antecedent period. I may state with confidence that, after this withdrawal of all this artificial encouragement and protection, the trade of Ulster, having found its level without receiving a farthing of the 4,000,000*l.* of bounty money, has reached an extent of prosperity, of which the history of that part of the country never before afforded any example. It is true that the character of the trade has changed, but its prosperity has augmented. A noble Friend informed me, that an order had been recently executed in the north of Ireland for a quantity of Cambric to be exported to Cambray itself. The official value of linens and yarns exported for the years from 1838 to 1843, was as follows:—

	LINEN.	YARN.
	£	£
1838	4,330,000	708,000
1839	4,777,000	846,000
1840	4,931,000	961,000
1841	5,195,000	1,530,000
1842	4,016,000	1,935,000
1843	4,906,000	1,578,000

Yet these alterations, like those in the silk trade, were strenuously opposed, and successive Parliamentary Committees deprecated the change in language quite as forcible as that which is now used by the Agricultural Protection Societies. In 1822 the Committee of the House of Commons reported, that—

"The trade has apparently advanced under these encouragements, and the evidence of all who have been examined on the subject, pronounce the continuance of the bounties to be essential to the interests of the manufacturer in England, Scotland, and Ireland."

With respect to wool, the Legislature has already acknowledged the absurdity of their prohibitory laws on the subject, having passed acts which have swept them all away. This good work, too long delayed, and the necessity of which I urged upon your Lordships in the two preceeding Sessions, has now been fully accomplished. The export of British wool, the import of foreign wool, the home protection and the Colonial discrimination, are abandoned by Her Majesty's Government, and the Legislature, to the great relief of all the parties concerned. Well did Mr. Gott, of Leeds, reply to a question put to him in your Lordships' Committee several years ago; on his being asked, whether the price of British Wool would have been higher had the duty of 6*d.* per lb. been continued on foreign wool? he answered—

"My opinion is, that the price of British wool would have been much less, British manufactures would have been shut out of every foreign market, and the stock of wool would have accumulated, as it will do, if ever that duty is imposed again."

I trust that the time is not remote when we shall look back to protections to which we still obstinately cling, as we now do to the barbarous legislation which protected our woollen manufactures by the enactment of capital felonies, and which, after exhausting all the encouragement the living could afford, actually drew on the resources of the dead, and directed under a severe penalty, that all corpses should be buried in woollens (30 Charles II) and that none should make coverlets in Yorkshire save only the citizens of York!!! The effect of the reduction of duties on coffee is a still more convincing demonstration of the truth of all the principles for which I have been contending. In 1801, a duty of 1*s.* 6*d.* per lb. produced only a revenue of 106,076*l.* and a consumption of 750,000lbs. This duty was reduced in 1811 and the revenue doubled. In 1821 the excessive duties of 1*s.*, 1*s.* 6*d.*, to 2*s.* 6*d.*, being imposed, the revenue collected was 384,000*l.* In 1843 the duties were fixed at 4*d.* on British and 8*d.* on foreign coffee, an injudicious discrimination this year abandoned, but still a salutary relief to the consumer. What has been the consequence? The consumption of coffee has risen to 30,031,000 lbs., and the revenue to 697,000*l.* Test the consequences of this; the value of coffee consumed in 1824, taken at 100*s.* in bond, was equal to 368,000*l.*; the same amount taken in 1840, but estimated at 80*s.*, not 100*s.*, exceeds 1,000,000*l.*

To pay for this additional coffee, upwards of 600,000*l.* of British manufactures must have been exported, and home industry must have been to that extent promoted, besides the benefits afforded to the consumer, by increasing more than threefold one of the comforts and necessaries of life. The duty received in 1824, was 420,000*l.*, in 1841, was 888,000*l.*, proving that trade could be extended and consumers benefited, whilst the revenue raised on a taxed article was doubled. The Sugar Duties form a still more important branch of the subject, rendered peculiarly interesting from the extraordinary and indefensible proposition submitted to Parliament by Her Majesty's Government. But on these I have already enlarged, and shall have occasion to enlarge upon them again, when called on to discuss the current Sugar Duties. Another very satisfactory example both of the evil and of its remedy is to be found in the article of Spelter or Zinc; a duty of 28*s.* 6*d.*, almost prohibitive, was imposed on this article for the protection of a few very inferior and insignificant zinc-works in England. Most wisely has this duty been reduced to 2*s.*; the effect has been a greatly increased activity in our manufactures of brass, as well as in the working of spelter itself. The increased importation is shown by the official value or quantity of spelter imported. The amount is as follows:—

Year.	Official Value. £
1838	268,000
1839	409,000
1840	253,000
1841	325,000
1842	306,000
1843	508,000

Your Lordships cannot drive by the New Road, or through many other streets of this great city, you cannot even inspect your own establishments without becoming aware of the extensive use of zinc, of the innumerable purposes to which it is applied and the employment to which it has led. I feel some personal reluctance in referring to the consequences of the abandonment by the Government of the additional duty on Irish spirits, as I may attach an undue importance to a measure in some degree originating with myself. The imposition of an exorbitant revenue duty produces many of the consequences of other undue restrictions, and its repeal is in fact an approach *pro tanto* to freedom of trade. The paper which I am about to read to your Lordships will show that in consequence of the increased tax imposed by the Government, the Irish spirits which paid duty, fell off more than 1,500,000 gallons, between 1841 and 1842, and that a repeal of the additional duty has brought up the consumption more than one million of gallons, with an increase of revenue.

IRISH SPIRITS PAYING EXCISE DUTY.

Date.	Gallons.	Duty. £
1840 ..	6,830,000	864,000
1841 ..	6,526,000	889,000
1842 ..	4,818,000	882,000
1843 ..	5,915,000	942,000

I have now concluded the long, and I fear but too tedious statement, which I have felt it to be my duty to make. I hope I have proved to the judgment of men who may take a dispassionate view of the argument, the indefensible character of many of the taxes on which I have animadverted, I feel confident that I have made out a decisive case for the appointment of a Committee to consider their tendency and effects. Your Lordships will remember that my Motion does not call upon your Lordships to condemn any one part of the system, it only affirms that the whole is a fitting subject for serious examination. Do you deny this? If you do I pray your Lordships to enquire into the correctness and accuracy of my statements of fact, and to test the soundness of the principles which I have advanced, by the evidence which I proffer to you, the evidence of men whose authority is infinitely greater than mine—of men of practical experience, habits of business and comprehensive views; of men whose character and position in society are fully entitled to your Lordships' confidence and that of the public. I ask for inquiry and no more. I have proved to your Lordships that the precedents of Parliament give an authority for the course I presume to recommend. I have shown that it will not lead to any disturbance of trade; that it is not connected with any party object; and, therefore, I humbly entreat your Lordships to give me your support. The exigency is great. Time presses. If such an inquiry was justifiable in 1820, much more is that inquiry demanded now. Fortunately twenty-three years of general peace has since elapsed. But those twenty-three years have given rise to a vast accu-

mulation of capital, and to great competition on the part of foreign nations. The United States of America, as well as European Continental powers, are actively competing with the manufactures of this country. I do not believe that their competition can, under any fair circumstances, be successful. I believe that the skill, the industry, the capital, and the unconquerable perseverance of the industrious classes of this country will, if the Legislature give them fair play, be more than a match for the competition of all the countries on the earth. I feel myself warranted in saying this. I take no desponding view of the state of the country, but at the same time the competition that is going on ought to determine your Lordships to do justice to British industry, and to give a just encouragement to British enterprise. It is thus alone that we can be enabled to stand against all competition. The result of an inquiry would, I fully believe, remove a mass of rubbish from the Statute Book that is a disgrace to it, it would relieve our industry from a pressure which is almost insupportable, while it would at the same time free the minds of the protected interests, whether agricultural or manufacturing, from a mass of delusion which is no less an injury than a disgrace. While reflecting upon this subject, I have been much struck with an eloquent passage in the works of Channing, in his "Thoughts on Greatness of Character," with which I shall conclude :—

"The influence of political institutions (or of Government) on property or wealth is chiefly negative. Government enriches a people by removing obstructions to their progress, by defending them from wrong, and thus giving them an opportunity of enriching themselves. Government is not the spring of the wealth of nations, that spring must be sought in their own sagacity, industry, enterprise, and force of character. To leave a people to themselves is generally the best service their rulers can render. Time was when Sovereigns fixed prices and wages, regulated industry and expences, and imagined that a nation would starve and perish if it were not guided and guarded like an infant. But we have learned that men are their own best guardians, and that property is safest under its owner's care. The great lesson for men to learn is that their happiness is in their own hands, and that it is to be wrought out by faithfulness to God and to their own consciences."

I most earnestly entreat your Lordships to teach your fellow-countrymen this great and salutary lesson. I thank your Lordships for the attention with which you have honoured me, and apologising for having occupied so much of your time, I beg to move, in the terms of my notice,

"That a select Committee be appointed on the Import Duties, with the view of considering the effect produced by Protecting Duties on the foreign commerce, the home industry, the Revenue, and the general prosperity of the British Empire."

The *Lord Chancellor* put the question, when

The Earl of *Dalhousie* assured their Lordships that he felt extreme difficulty and diffidence in rising for the purpose of following the noble Lord, with the view of replying to the powerful and elaborate speech with which the noble Lord prefaced his motion. It was his duty however, to ask their Lordships—to persuade them, to reject the Motion of the noble Lord for a Select Committee to inquire into the Import Duties. The noble Lord's well known ability and long practical acquaintance with the various subjects which he had brought under the consideration of the House—(to which he (the Earl of Dalhousie) could have no pretensions)—would justify him, he hoped, in claiming the kind indulgence of their Lordships whilst he attempted to answer the speech the noble Lord had just addressed to them. The noble Lord in the outset of his speech had endeavoured to anticipate the grounds upon which Her Majesty's Government would ask their Lordships to refuse assent to his Motion, and had then endeavoured to show that these grounds were not worthy of serious consideration. With the utmost deference for the opinion of the noble Lord, he must say that it was upon precisely these grounds that he should base his opposition to the noble Lord's Motion, and he trusted that it would be in his power to establish that the reasons he should assign were not so entirely devoid of foundation as the noble Lord was pleased to allege. The noble Lord said, that the Motion he had submitted to their Lordships was one which, on the score of precedent, the Government could not possibly resist. He had declared that there was more than one precedent in his favour, and he stated that in 1820 a Committee had been selected upon the Motion of a noble Marquess (the Marquess of Lansdowne), to inquire into the operation of these Duties, and another Committee on the same subject was appointed in 1839, with the concurrence and sanction

of some who now formed part of the present Government. But the noble Lord should recollect that good and substantial reasons were urged for these Committees—grounds which no longer existed, and which could not be brought forward in support of a Motion like that which the noble Lord had submitted to the House. The Committee which was proposed by the noble Marquess was appointed at a most important and critical period in the history of this empire:—it was appointed immediately after this country had emerged from a long war, during the progress of which this country had almost exclusively monopolized the trade and commerce of the world; and in consequence of that and of the expenses incurred in carrying on that war, coupled with a variety of other circumstances intimately associated with such a state of things, duties had been added to duties, without respect to articles, or reference to principles, until the table of Import Duties had assumed such a shape and condition as to call imperatively for inquiry and revision, and there could be no doubt that that Committee was imperatively called for and was justified by the peculiar circumstances of the country, and was productive of great and useful results. In the same manner, though under circumstances not so strong, the Committee of 1839 was also called for, owing to the long period which had elapsed since the subject had been inquired into. During those years which intervened a great change had been made in the commercial relations of the country, and it was perfectly right that such an investigation should be instituted. That inquiry was also followed by great, useful, and important results. But where was the analogy, or where were the corresponding circumstances under which those Committees to which he had referred were granted, and those under which the present Committee was moved for? He begged their Lordships to consider the circumstances under which a Committee of Inquiry was now moved for, and he would ask them to say whether the derangement and disturbance of commerce which always followed upon these proceedings were to be held of trivial consequence. Was that disturbance of the commercial world likely to be so little detrimental to the interests of commerce generally as the noble Lord seemed to consider it? He begged their Lordships to bear in mind the fact which struck home to them—the fact which unfortunately came too near them all—he called upon their Lordships to bear in mind the fact, that during the last five or six years the commerce of this country had been in a state of depression and distress—it would be needless in him to investigate the various causes which might have led to that—but within the last few months matters had assumed a different aspect. The disturbances in the West, and the warlike preparations in India and China had interrupted our commercial relations in the West and East; but that state of things was at an end, and there was an obvious improvement throughout the country—our looms and mines were again in operation, the spirit of enterprise was beginning to develope itself in all branches of trade. He hoped he might assume there was a more sunny prospect for the future. And yet this was the moment at which the noble Baron thought it prudent and wise to introduce a proposition for such an inquiry as that which was conveyed in the terms of his Motion. It was very well for the noble Lord to say that these Committees pledged their Lordships to nothing, and that he only moved for a Committee of Inquiry; that might be very true, but their Lordships would not be able to persuade those interests which would be involved, that this inquiry, if granted, would not be followed by results. He did not dwell upon the evil consequences which would follow a state of doubt, uncertainty, and insecurity, should the House consent to inquire into these Import Duties. He did not think that their Lordships would go into Committee without being prepared to propose some specific line of action. Such a Committee would give rise to a stagnation in trade and act injuriously upon all the interests of the country. He felt that the objection he urged was very strong, and that the recurrence of inquiries into these matters was peculiarly objectionable at a time when Parliament had but just sanctioned an arrangement of which the results were at present unknown:—an experiment was being tried, and before their Lordships agreed to the Motion of the noble Lord it was their duty to wait for the result of that experiment. Two years had scarcely elapsed since the whole of the commercial policy of this country had undergone a thorough investigation, research, and extensive revision. If this inquiry was so recent and extensive in its character, and if by the Returns on the Table of the House they were only able to test the experiment by half-years at a time, it was not for them to launch into fresh

inquiries, or to adopt a similar course, until the result of that revision was fairly in possession of their Lordships and the country. The noble Lord said, that it was impossible to resist his Motion on the score of revenue; upon that ground he (Lord Monteagle) thought the Government could not refuse to remove the restrictive duties. The noble Lord, in support of his view, read to the House a statement of the revenue of this country, and said that the surplus revenue was so large, that there could be no better time than the present to enter into the consideration of the effect of the Import Duties. But the terms which the noble Lord used were the answer to his own proposition. The noble Lord said there was a certain sum from the Income-tax, the amount of which had exceeded what had been calculated upon, and that another source, which, after all, was a fortuitous source—namely, the money we had obtained from China, coupled with the Income-tax, had raised the resources of this country to so high a pitch as fully justified a reduction in the Import Duties. But the noble Lord should recollect that the Income-tax was only considered as a temporary, and not as a permanent tax. The noble Lord had no right to assume that it was not the intention of the Government to remove that tax, and to base his argument upon such an assumption. Were they to reduce these duties upon that ground, it would be no excuse for the Government, when a repeal of the Income-tax was proposed, to go down to the House of Commons and say, "We have taken off these duties under the expectation that the revenue derived from the Income-tax would be always available." That argument would not be listened to for a moment. The noble Lord, in the course of his speech, entered at great length into a history of the protective duties, not only in this but in foreign countries, and enlarged with great power on various topics, scientific, philosophical, and some of an abstruse nature, which it was not his intention to follow. He confessed to their Lordships that he felt himself unequal to follow the noble Lord into these various points. It was his intention to confine himself to the practical parts of the noble Lord's speech, and he hoped to be able to establish to the satisfaction of their Lordships that the Government, in the course of the commercial policy they had pursued, was not open to the objections which the noble Lord had urged against them; he trusted also that he should prove that they were entitled to so much confidence as to obtain a refusal to assent to this Motion in order to bring to a fair test the experiment which they were then trying. The noble Lord had referred to the statement made by the right hon. Baronet at the head of the Administration when developing the financial and commercial policy upon which it was his (Sir R. Peel's) intention to carry on the Government of the country. The noble Lord, in referring to that statement, asserted that the Government had not acted up to the principles they professed, and upon that ground he (Lord Monteagle) made certain allegations against the Government. He must beg to remind the noble Lord, that when the right hon. Baronet at the head of Her Majesty's Government made that statement, certain qualifications were attached to it, which the noble Lord had omitted to mention. It was true that the right hon. Baronet did state that he would act upon those general principles; but he also stated, over and over again in the course of the debates upon this subject, that he was bound in the first instance, to remove those duties which appeared to involve the greatest pressure, and with respect to which, in his own opinion and in that of the Government, relief was most urgently required. The noble Lord had stated that the present duty upon cotton exceeded the amount to which the right hon. Baronet (Sir R. Peel) had said that he conceived all duties upon raw material ought to be reduced, namely, 5 per cent. He (the Earl of Dalhousie) was willing to take the calculations of the noble Lord opposite, though he had no opportunity of testing their accuracy; and he had no doubt that the duty upon cotton, which was very minute—5-16ths of a penny upon the pound—might exceed the amount of duty which the right hon. Baronet thought ought to be imposed upon raw material, and might be 8 instead of 5 per cent. But, however desirous the Government might be to relieve this commodity entirely from all taxation, it was an article which so deeply involved the interests of the revenue that it was impossible for the Government to pursue the course they might be anxious to adopt. Discussions had taken place, he believed, in the other House, upon substantive motions relative to the duties on cotton and wool, when the right hon. Baronet at the head of the Administration had made the statement to which he had al-

luded. That right hon. Gentleman had stated that, after the large reductions which at that period were made in the Import Duties, it would be impossible then to carry those reductions further, in consequence of the great amount of revenue that would be sacrificed; and that it was therefore impossible to pursue further, at that time, the course he might otherwise have taken. The noble Lord (Lord Monteagle) had alluded at considerable length, to the question of the Sugar Duties. He (the Earl of Dalhousie) did not desire to avoid the discussion of that measure; but he thought it would be most convenient to refrain from entering upon the question now, because in the natural course of affairs it would speedily be brought under their Lordships' consideration by itself, when an ample opportunity would be afforded of fully and fairly discussing it in all its bearings. The noble Lord had also dwelt upon another matter at considerable length, with reference to which he had strongly animadverted upon the conduct of the Government—the question of the Timber Duties. The noble Lord said, the Government had, with reference to this article, entirely departed from the principles upon which they had avowed it their intention to act; and that they had unnecessarily sacrificed revenue without benefiting the consumer. Upon this topic noble Lords opposite had shewn much inconsistency; for, if there was one article upon which, more than another, noble Lords opposite, and those who thought with them, had perpetually urged the necessity of a large reduction of duty, it was upon the article of timber. It had been urged over and over again, that in this country we had iron, stone, lime, lead, and similar raw materials thoroughly at our disposal, while the important article of timber was excluded. Now, he (the Earl of Dalhousie) begged to contrast the course pursued by the present Government, as to the duty on this article, with the conduct of the Administration by whom they were preceded. When the Timber Duties were under consideration, during the Administration of the noble Lord opposite, a proposal was made to reduce the duty on foreign timber from 55*s.* to 50*s.*, and also to reduce the duty on colonial timber from 25*s.* to 20*s.* Now he (the Earl of Dalhousie) was prepared to contend that, had that proposal been adopted, the result would have been the entire destruction of our colonial trade; while the reduction from 55*s.* to 50*s.* on foreign timber would have been utterly valueless to the consumer. But what course had Her Majesty's present Government taken with reference to this article? They had reduced the duty upon foreign timber from 55*s.* to 25*s.*, and that on colonial timber from 10*s.* to 1*s.* That he considered was a most valuable boon to the people of this country, and he believed it had also proved most advantageous and beneficial to our colonial interests. The noble Lord opposite maintained that this reduction had not been beneficial; but, on this point, he (the Earl of Dalhousie) ventured to differ in opinion from that noble Lord. He conceived that the alteration had been most advantageous to our colonies, and that their Lordships had acted most wisely and prudently in giving it their sanction. He (the Earl of Dalhousie) wished to mention another point connected with this subject, to which the noble Lord had referred—the duty on staves. He entirely agreed with the noble Lord as to the importance of that trade which had been affected by the alteration of the duty on staves; and he believed the parties engaged in it, with whom he (the Earl of Dalhousie) had had much communication, were a most respectable body of men. He was not disposed to dispute the assertion that this case was one of some hardship; but he was not prepared to go the full length of the statement these parties had made. It was felt that, in the absence of entire conviction as to the facts of the case, it would not be prudent to enter into this question at present; but he (the Earl of Dalhousie) would be happy, if means could be found to give relief to those individuals, and to place them in the position of prosperity they had formerly occupied. The noble Lord had complained that the Government had not effected reductions of duty upon several articles of commerce he had mentioned, and he had endeavoured to lead their Lordships to believe that they had not fulfilled the promises they had formerly made, as to the rules by which their conduct should be guided. The noble Lord had dwelt with great force, during the concluding portion of his speech, upon the false notions entertained as to the advantages of maintaining high restrictive and prohibitory duties. He (the Earl of Dalhousie) thought that if their Lordships looked at the course of policy adopted by the present Government since their accession to office, and even during their former tenure of it, it would not be found that they had inculcated those

doctrines of restriction and prohibition which the noble Lord had so strongly condemned. Both in this House and in the other, the Government had stated most distinctly that they would not attempt to maintain the doctrine that prohibition could be a barrier in defence of commerce, or that high protective duties—amounting to restrictive duties—could be beneficial in defence of commerce. On the contrary, they stated, that they conceived it to be their duty to remove the restrictions upon commerce, so far as they could do so consistently with due regard to existing interests, which had grown up under the present system. But when the noble Lord opposite mentioned instances in which, as he alleged, the Government had not acted upon the principles by which they had declared it their intention to be guided, he omitted to mention that large class of instances in which they had acted upon those principles, and had thereby greatly relieved and improved the commerce of this country. He believed there was hardly a trade in the country which had not been greatly benefited by the removal of restrictions under the measures of the present Government. He held in his hand a long list of the articles upon which reductions had been made, but he would not trouble their Lordships by going through it. He might, however, mention a few of those articles. The duty upon glass had been reduced from 8*l.* 6*s.* 8*d.* per ton to 1*l.* 10*s.* per ton; on soap the duty had been reduced from 4*l.* 10*s.* to 1*l.* 10*s.*; on olive oil a reduction from eight guineas per ton to 2*l.* per ton had been made; and similar reductions had been made on indigo, madder, and numerous other articles. He begged their Lordships to remember that reductions of duty had been made upon many articles which were employed in our manufactures; —the woollen manufacture, for instance, had been entirely freed—the reduction of duty on one article in particular had created a new trade in this country; viz. copper ore:—the introduction of foreign ore had advanced the price of British ore; and how had this result been produced? On the same principles on which he had the other night, in the presence of their Lordships—nay, he could hardly say in the presence of their Lordships, for there were only three Members of the House present—defended the reduction of the duty upon wool, namely, that by allowing the introduction of the foreign articles you promoted the sale of the home article for admixture with it in the process of manufacture; thereby affording extensive employment to the people, and increasing the amount of the revenue. The reduction of duty upon mahogany, ebony, and other similar articles, had been most advantageous. Then reductions had also been effected upon hemp, and other commodities of a similar nature, which had tended greatly to benefit the shipping interest. He maintained, therefore—though the noble Lord opposite might find in this tariff some articles upon which the reduction had not been quite so considerable as the noble Lord might have been led to anticipate—that the restrictions upon commerce had been removed to a very material extent, and that the commercial interests of the country had thereby been greatly relieved. But he (the Earl of Dalhousie) did not wish to rest his case upon what had been accomplished two years ago. What had the Government done during the present Session of Parliament? He had only the other evening submitted to their Lordships a Customs' Bill which referred to many articles which, though apparently of trifling importance, entered most extensively into the consumption of the country. Two of the most important articles to which that Bill related were wool and coffee; and he might state, that the total amount of reductions effected in duties during the present year, taking the Excise and Customs together, would be 450,000*l.* When he remembered that by the alterations made in the Tariff in 1842 imports to the amount of 1,200,000*l.* were removed; and when he found that measure followed up by another during the present year, which would remove duties amounting to 450,000*l.* more, he thought the noble Lord opposite was not justified in assuming or asserting that the present Government were the maintainers of a high system of prohibitive and restrictive duties, or that they had failed to carry into effect those principles which had been asserted by the right hon. Baronet at the head of the Government. Now, if the Government were acting fairly and fully up to those principles—if they had shown by their conduct that they were not inclined to forsake the pledges they had formerly given—if they had proved that they were ready to remove every restriction upon trade which could be removed consistently with the protection of existing interests, so far as that protection did not amount to prohibition, or interfere unduly with the interests of

the consumer—then he had a right to ask their Lordships to show their confidence in the Government by allowing them to complete that experiment which two years ago they had commenced. He had now stated the grounds upon which he thought it would be unwise for the interests of the trading community themselves that the inquiry proposed by the noble Lord should be instituted. He had said that he thought their Lordships ought to allow the Government an opportunity of ascertaining the result of their experiments, and he hoped they would so far recognize the justice and fairness of the reasons he had advanced as to withhold their assent from the Motion of the noble Lord.

The Earl of *Clarendon*: Although I sincerely regret the determination to which the Government has come, with respect to my noble Friend's Motion, I cannot but express the satisfaction with which I have listened to the speech of the noble Earl. It was no light task to attempt a reply to my noble Friend's statement, for a statement more powerful, more replete with facts of the most important character, and with deductions the most logical and conclusive, it has rarely been my fortune to hear, and I am sure your Lordships, whatever may be your political opinions, or whatever may have been your predetermination as to the vote you would give this night, must have heard it with all the admiration which its ability was calculated to command. It is the furthest from my intention, therefore, to cast any reproach upon the noble Earl, when I take the liberty of saying that the speech of my noble Friend has not been touched by the noble Earl—his arguments are still as unanswered as his facts are unimpeachable. The noble Earl throughout his speech seemed overpowered by the badness of his case, and if I might be permitted to say so without offence, his difficulties were occasionally increased by his appearing to speak against his own convictions, for one thing is to me apparent from the noble Earl's speech—that he is a free trader—indeed it is impossible he should be otherwise. No man possessing the noble Earl's talent and judgment could long occupy the place he now so creditably fills, having access to the soundest sources of information, and watching the operations of our system, without daily having occasion to observe its mischievous results, and becoming in consequence an enemy to commercial restriction. I think the noble Earl has made that manifest, and that (speaking in commercial terms of value with which the noble Earl is familiar) we may henceforth rely upon his official exertions in aid of his declared opinions, for although the noble Earl has alluded with satisfaction to what has been already done, he cannot, and he knows the people of this country will not rest contented with that. The noble Earl has drawn a glowing picture of the improved state of our trade, and the results he expects it will produce, and though I agree with him to a certain extent, I regret that I cannot share in his brilliant expectations. I may be wrong, and I heartily hope that my opinions, not lightly nor inconsiderately formed, may be erroneous, but the position of this country does seem to me one of extreme peril—our heavy burthens, our daily increasing population and pauperism, our diminished profits, and the competition of the whole world which we have to encounter do, to my mind, constitute elements of great danger, not in themselves alone, but because I cannot see any prospect of change in the system which works the mischief. Were we determined boldly to face our difficulties, to analyse their causes in the manner suggested by my noble Friend, and to legislate under the conviction that upon the well-being not of particular classes, but of the great mass of the population depends the general prosperity, I should see no reason to fear the taxes, nor the provision for the poor, nor the unproductiveness of capital nor competition were it ten times greater than that to which we are exposed:—but our course has been very different; hitherto we have contented ourselves with building new churches, and voting a little money for education, and making laws about children working in factories and women in mines, some of which may be useful in their way, although in my opinion any interference with what I must call the rights of industry is as unjust as it is unwise; but even were these things all proper, it would be beginning at the wrong end, it would be dealing with the symptoms, and not going to the source of national disease. Acts of Parliament cannot make want and virtue consort together; you must not expect a starving man surrounded by a starving family to be eager for spiritual comfort, or careful of the education of his children, or scrupulous about the means

by which their pressing necessities are relieved. The material comforts of the working classes should be our first care—to provide that no unnecessary impediments should exist to the employment of labour is the first duty of the Legislature, as it is the paramount interest of every class in the community: but it is deplorable to reflect how little legislation has yet done in the fulfilment of this duty, or rather how much it has done to thwart the freedom of labour, and to keep the productive power of this great country in the gripe of monopoly and selfish interests. It is deplorable to reflect how feeble and how few have been the attempts to carry out those principles which Mr. Huskisson, now nearly twenty years ago, with the wisdom and foresight of a statesman first introduced, and the application of which, partial though it has been, has conferred so much benefit upon the country, and yet not a single measure based upon these sound principles, these principles of common sense as they are properly called, has been taken which has not more than fulfilled the hopes of it's promoters, and more than dispelled the prophetical fears of its opponents. There has not been a single failure in the experiment of allowing capital to run in a free and unrestrained channel—it has been invariably found, as my noble Friend has shewn, that when the restrictions upon any particular branch of industry are removed it springs at once into vigour and activity, and lays the foundation for commercial enterprize of which it is at first impossible to foresee either the benefits or extent. What is now the great source of our wealth and prosperity? What is it that vivifies and supports our national energies, that enabled us to make such gigantic exertions throughout the war, and that maintains us in the pre-eminent position we now occupy among the nations of the world?—why our cotton manufactures—but they were subject to all manner of vexatious fiscal regulations, amounting in 1782 to 15 per cent., in 1784, duties to the amount of an additional 15 per cent. were imposed on calicoes,—deputations were sent up from Manchester, Bolton, and other places to represent that these duties must infallibly crush the rising manufacture—the manufacturers were heard by counsel at the bar of the House of Commons, and Mr. Pitt was compelled to abandon his duties. Other attempts were made to levy duties on the cotton manufacture in the same year, but they were abandoned also in 1787, though this manufacture was not finally released from the grasp of the excise until 1831. In 1780, the value of our whole export of cotton manufactures did not exceed 350,000*l.*, and they now reached thirty-six millions, giving employment to a million and a half of persons, when in 1760, not 40,000 persons were employed—thirty-seven times as many. In 1796, the quantity of British calicoes and muslins which paid the print duty was twenty-eight millions of yards, in 1829 it was 128 millions, and so great is the reduction in price, that a piece of calico which in 1814 was worth at Manchester 1*l.* 4*s.* 7*d.* now sells for less than 5*s.*, and is accessible to the poorest classes. Could this have occurred if the cotton manufacture had still been hampered by restrictions? Could all those discoveries and inventions, which are the glory of the age in which we live, have taken place in a trade hampered by monopoly and restriction and repulsive to capital? Do not the wants of this million and a half of persons afford more real encouragement and protection to agriculture than any law for keeping up artificial prices and resisting the competition of foreign labour? What but the non-interference of the law and the free scope given to industry and capital and skill, would ever have enabled the English workman living upon meat and beer and bread, to compete with the Hindoos who formerly had the monopoly of this manufacture, and are supported upon rice, who weaved the cotton in the very field where it was grown, and whose patience and physical organization peculiarly adapt them for this species of employment? And yet it is the low rate of wages received by labourers on the Continent, that is the staple bugbear by which people in this country are still frightened into maintaining our restrictive system. Then again, look to the Silk Trade, the extraordinary circumstances connected with which must still be in the memory of your Lordships. You must remember the obloquy cast upon Mr. Huskisson, that metaphysician, as hard-hearted as the Devil, as he was called. The crowds of artisans from Spitalfields, who mobbed him on his way to the House, and what is of greater importance, the declarations of Mr. Baring (who three years before had presented the memorable Petition from the City of London) that

the proposed measure was a dangerous experiment for the country, that those who proposed it were deliberately ruining the silk manufacture of England—that all capital embarked in it would be withdrawn, and those who had no capital but their labour would be left to starve. Mr. Huskisson, however, was neither deterred by these threats nor predictions, and what was the result? That instead of capital being withdrawn and the trade abandoned, fresh silk mills were built, and the import and consumption of raw silk was nearly doubled between the time when the trade was opened and that in 1840 in Manchester alone, the number of silk weavers have increased from 3,000 to 15,000, and the value of the goods made in that town from 450,000*l.* to 1,600,000*l.* This has been accompanied by the invariable consequences of competition, improved modes of manufacture, and our exports have nearly trebled since the reduced cost of production has opened to us the neutral markets of the world, from which when our prices were artificially maintained we were altogether excluded, and one third of our exports now actually goes to France—in 1827, we exported to France to the amount of 4,600*l.*, in 1842 182,000*l.*, being one third the amount of the whole of our exports to foreign countries, and about the double of what we exported to all our Colonies under the protective system. I will not allude to the articles of sugar and coffee, for I should only weaken the impression that must, I am sure, have been made upon your Lordships by the statements of my noble Friend, and with respect to corn, I will say nothing beyond expressing my entire conviction that the inherent evils of our present system, although mitigated and held in temporary suspension, may at any moment burst upon us with overwhelming force—that the Corn Laws are fraught with danger, not to one interest or to one class, but to all; for dependent as we have rendered our increasing and ill fed population upon the barometer, I am convinced that our very institutions would be powerless to resist the effects of two successive bad harvests and the obstacles opposed by our laws to the relief we might otherwise obtain. We have certainly been blessed with two or three harvests somewhat above the average, but we cannot expect a continuance of them, and are we prepared to meet such another year as 1839, when the exportation of bullion, the only commodity we could give in exchange for the foreign corn we could not do without, brought us to the verge of national bankruptcy? Indeed, when we were only saved from that catastrophe, and all its frightful consequences, by the assistance of the Bank of France, which assistance, even if we would incur the national disgrace of again soliciting it, we well know would be refused to us—and is there any thing changed in our situation since then, except having about a million more mouths to feed? Have we done any thing to regularise our commerce, and to enable us to pay for foreign corn by our own productions and in the ordinary course of trade? Nothing—we are just as unprepared to meet the danger as if experience had not forewarned us of its certainty and its results, as if we were determined never to arrive at improvement, but through misfortune and intimidation. The Government have dabbled with the Sliding Scale, they have made a change in its figures, but none in its operation. They have produced discontent among the manufacturing classes, upon which the agricultural mainly depend not only for the consumption of their produce, but for the employment of all their surplus population, and they still tell the agriculturists to rely, not upon their own exertions, but upon protection, under the blighting influence of which industry never did and never can prosper. Of this there can be no better proof than the facts, that although no class has enjoyed protection to the same extent as the agricultural, none has been so often in a state of distress, and none has made such frequent applications to Parliament for relief; and at the present day no meeting of farmer's friends, as they are called, or rather miscalled, ever takes place without the defective state of our agriculture being admitted, and without its improvement being earnestly recommended. I have no doubt as to what your Lordship's vote will be this night, and I have not the presumption to suppose that any thing which falls from me, should have weight with your Lordships, but I humbly hope, that you will reflect upon the importance of the statements made by my noble Friend, and bear in mind, that they present to you no speculative theories, but the invaluable lessons of experience, proving that every measure based upon sound

principles, has been attended with progress and success, and that stagnation and failure have been the results of a selfish and empirical departure from those principles. Is there a man possessing common sense who would wish to retrace any step we have taken towards commercial freedom, and yet with the encouragement of practical benefits before us, is it not worse than folly to stand still, is it not sacrificing the best interests of our country in hesitating to proceed? I admit that the revision of the Tariff was useful, but not for the reasons assigned by the noble Earl, not for the relief it brought, or can be expected to bring, but for the recognition of sounder principles, and the exposure of some of the glaring absurdities in our commercial legislation by which it was accompanied—the doctrines expounded by those who in 1842, had the power, if they had but possessed the courage to give effect to them, were of service by adding the weight of the highest and best informed and most responsible authorities to the opinions of all those who have long been convinced that the prosperity of this country depends upon, and its decline can only be averted by employment for our industry, and by extension of our markets. To suppose, however, that such a revision of the Tariff as was made two years ago, that the trumpery reductions upon trumpery articles, and the careful exclusion of those articles of general consumption, will relieve the wants and satisfy the necessities of the country, would be as idle as to suppose that the right hon. Baronet at the head of Her Majesty's Government meant his elaborate exposition of principles to be limited to the possible importation of a little Canadian corn, or to the improbable introduction of a few foreign cattle. Those experimental oxen from Holstein, as the President of the Board of Control called them, which he must have known or might have known, would never arrive to keep the magnificent promise made in their name of rendering us unconscious of the five millions and a-half taken from us in the shape of Income Tax. If the right hon. Baronet had possessed the courage and disregard of party exigency which characterised Mr. Huskisson, whose disciple and fellow-labourer he justly took credit for having been, he would not have faltered at the threshold of free trade, but he would have boldly entered at the breach he had effected in our restrictive system; he would have used the enormous power he possessed, greater than that of any other Minister in modern times, to remove those props by which individual interests have vainly for themselves and disastrously for the community been protected by legislation. He knows full well that our population and our productive ability are daily increasing, and that if we do not at the same time extend our markets, that is, our means of consumption, the excess of produce beyond the demand must lessen the power of producing, and for the want of more trade, that which we actually have will become less profitable. That is what he meant by declaring that we must purchase in the cheapest, and sell in the dearest markets, but our power of exchange, which for this power should be unrestricted, is still hampered by our laws; we are forbidden to buy in the cheapest markets, which would at the same time be the dearest for us to sell in. Our landed and colonial interests prohibit the plentiful supply of the chief necessaries of life from Prussia and Poland, and the United States, and Brazil and Cuba in exchange for our productions, and they declare, that although the population is increasing by millions there shall only be distributed among them the same fixed quantity of the chief necessaries of life, and they shall only have the same fixed number of customers for their increasing productions—for this is the practical working of our system—though, at the same time, nobody is found to defend monopoly or the benefitting certain classes and interests at the expense of all the rest. Everybody is prepared to say that in the abstract free trade is good, but that if it were put in practice, it would destroy the revenue, break faith with the national creditor, and prevent our competing with foreigners who are not heavily taxed as we are. All this, however, is either fallacy or misrepresentation; free trade does not seek to evade or abolish duties levied for the purposes of revenue, but to render those duties as productive as possible by providing that they shall not be raised for the benefit of individuals, but that whatever is taken from the people shall be *bona fide* for the purposes of revenue, and find its way to the Exchequer. It is against differential duties, taxes for the purposes of protection, that free trade wages war against the sys-

tem which limits the supply of commodities, and maintains a higher price than if the article produced wherever it might be, were subject to a uniform duty; and thereby prevents the consumer from buying in the market most advantageous to him, and that is all that free trade contends for; and at the same time, that the consumer is injured, the revenue is not benefitted. The higher of the two duties upon the same article is not imposed for objects of revenue, but for those of protection; if it yields anything to the revenue, it is by chance, by the accident of price; it merely enables the producer of the favoured article, be it corn, or sugar, or coffee, which is charged with the lower duty to obtain a price which he could not obtain unless the law secured it for him. This difference is just so much lost to the revenue, so much waste of the capital of the country, so much diminution of the power of consuming; and it is just what free trade seeks to correct. Is it not, then, a fallacy or a misrepresentation to say that free trade would abolish the Customs Duties? Why, there is no objection to the duties levied on tea or tobacco, or wine, nor to twenty times the duty those commodities now pay, if they could be levied without diminishing consumption, because they are uniform, they go into the Treasury; neither would it be contrary to the principles of free trade that a countervailing duty should be imposed upon a foreign article similar to one produced at home upon which a duty, as in the instance of malt, is levied; but the fact of our being so heavily taxed for the public, and in order to maintain inviolate the national faith, is the very reason why we should the more carefully avoid taxation among ourselves, the taking money out of the pockets of one set of men to transfer it to those of another set to whom it is not a gain, but merely repayment of the more expensive and unnecessary cost of producing, just as if we remunerated a home grower of claret by giving him two guineas a bottle for his wine, when it can be had for seven or eight francs from Bordeaux; and the less this is done, the greater must be the general wealth and producing power of the country, and the better shall we be able to bear our burthens and compete with foreign nations. There was one feature, or rather one omission in the noble Earl's speech which I observed with great satisfaction. The noble Earl has not defended our protective system upon the score of retaliation; and I trust we may therefore infer that the Government still adhere to that principle so intelligibly and wisely laid down by Sir Robert Peel, when he declared that it was not our interest and that he would not lend himself to the policy of shaping our commercial legislation by that of other countries, and that our duty was to regard only what was best for ourselves. I think it most important that there should be no misunderstanding upon this point, for the system still finds favour with the public, and is still advocated by some of the most enlightened portions of the press—and this is not unnatural; for there seems to be something gratifying in being able at once to do harm to those by whom we are injured: but that gratification soon gives way to other feelings, when we find that our revenge is likely to be as injurious to ourselves as to the parties upon whom it is exercised:—for what is it that we want?—the greatest abundance of all things at the cheapest possible rate, and the buying cheaply is most important to us; for according to the rate at which we buy, the rate at which we can afford to sell will be regulated. We ought not, therefore, to be deterred from buying cheaply, merely because those of whom we buy will not take some particular commodity of ours in payment. It would doubtless be more convenient, rather more profitable also if they did, but it is by no means an indispensable condition; and moreover, it is one which we cannot impose: foreign countries won't give us their productions for nothing, that's clear; and if they won't take our surplus produce in exchange, we must try to find some that we can fetch for them from other countries, or exchange through third parties. If that won't do, no transaction can take place, and then restriction is useless; if it can, we merely do ourselves an injury by taxing the articles we want, and making ourselves buy them dearly when we might have them at a cheap rate. Take the case of Russia, for instance—there is no country in Europe which so fiercely prohibits our productions; while there is no country in Europe from which we take so much. Our exports to Russia amount to about 1,600,000*l.* per annum, of which one million is cotton twist; while we take about five millions in hemp, wool, tallow and timber, and we pay the balance of

3,500,000*l.* out of our bonded warehouses here, by cotton, indigo, cochineal, coffee, sugar, wine, which we fetch from countries where the raw produce of Russia is not required, and all of which we pay for by our own manufactures which are the cheapest in those markets. We thus secure to ourselves the carrying trade for Russia; and the more we buy from Russia, the greater will be her power of consuming those productions which represent our manufactures. But if in accordance with the principles of retaliation, we had imposed high or prohibitory duties upon Russian produce, not only should we have deprived ourselves of the profits upon our dealings to the extent of five millions, but we should have ruinously increased the cost of every production of our own (to the shipping interest for example) in which the timber, tallow, and hemp of Russia are employed. Take the case now of a manufacturing country, Germany for instance; supposing that Germany prohibited our woollen and cotton wares, and that in retaliation we imposed 30 per cent. more upon the wool and timber of Germany—would that be a relief to our manufacturers and operatives who were already injured by the prohibition? Would it not be a twofold injury by diminishing the supply and raising the price of the raw material at home, and by lessening the demand for it in Germany, reducing the price there which would enable the German manufacturers to meet the English with greater advantage in neutral markets. If, when the tariff of the United States was raised two years ago, we had increased the duty on raw cotton, what other effect would that have had but to check the progress and raise the price of our cotton manufactures, diminish the employment of our people, and enormously aggravate the injury inflicted on us by the Americans? All attempts of foreign governments to injure our manufactures by hostile tariffs, are powerfully assisted by retaliation on our part, and by restrictions on raw produce which are the elements of those manufactures. Retaliation makes us less able to send our goods to the countries which impose those tariffs, and to all others, cheapness and not dearness, is the real weapon for combatting commercial hostilities; and I am convinced that our wisest course would be, whenever a country prohibits any particular commodity of ours, to see how it can be produced more cheaply, and this can only be by low duties and by the utmost possible freedom from restriction—it would give us more and more the command of the markets of the world — self-protection would soon cause other nations to follow our example, and we should have the glory as well as the benefit of opening the way to every country of the earth for the greatest of all earthly blessings—the free interchange among them all of those various productions with which each by the bounty of nature has been endowed, and the nearer we can approach to this, the more we shall benefit ourselves, the more we shall promote good understanding and the maintenance of peace with other countries. How infinitely preferable it would be to induce foreign nations, for their own advantage, to follow a good example; and how much more desirable all such arrangements based upon self-interest would be, rather than upon commercial treaties, the negotiations for which are always carried on with distrust, and are usually broken off in anger and war, the non-contracting parties in a spirit far less friendly towards each other than before they had discovered the impossibility of reconciling by such means their respective interests. The difficulty of adjusting those concessions or equivalents, which must form the essence of all commercial treaties is so great in matters which do not admit of very strict comparison, that failure is not to be wondered at, and success is often unsatisfactory. One party at least, being sure to consider itself overreached, and becoming anxious therefore for the time when, as in the case of the Brazils, it may escape from the thraldom of engagements which it regards as a national insult. Look at all the diplomacy employed of late years in negotiating treaties with Spain, and Portugal, and France, which with our restrictive system and with theirs was unadvoidably fruitless. We in general excite jealousy and suspicion, or expose ourselves to such a rebuke, as my noble Friend the Secretary for Foreign Affairs lately received from Baron Bulow, very deservedly as I think, for we have not exactly built our house with the materials that justify our throwing stones at other people. But for my own part I should rejoice if it were proclaimed to the whole world, that we would henceforward attempt no negotiations for commercial treaties, but simply practise

the doctrines we profess, doing that which is most for our own interest, uninfluenced by the policy of foreign governments, and leaving it to them to follow our example, as they infallibly must, if our policy should be demonstrated by experience to be sound and beneficial. Indeed, we owe some such reparation to the world which has been led by our example into the belief that the power and prosperity of England had advanced in consequence, and not in spite of, the mistaken system by which, for so long a period, the full developement of our energies has been crippled. This system has taken too deep root among us, there are vested in it interests too great and prejudices too strong, to permit of its being lightly or immediately dealt with by the Legislature, but as both prejudices and particular interests must eventually yield to the increasing knowledge and increasing necessities of the people, my noble Friend proposes to precede that unavoidable event by a solemn and impartial enquiry—to prepare the way for immediate reforms where they appear to be practicable, and to justify delay where their postponement is proved to be expedient. It is for this object, which my noble Friend has himself so admirably explained, that I shall vote for his Motion, and because, viewing the whole subject not as a party but as a national question, I think that the Committee which he proposes would assist and facilitate that policy which the Government of this country, be it Tory or be it Whig, must henceforward be compelled to pursue.

Lord *Colchester* should not attempt to follow the noble Lord who had just sat down through his long and able arguments. He could not help feeling that nations, like individuals, were too much swayed by prejudice and passion to allow us to look for that state of universal peace and harmony, in which the products of the universe could be mutually exchanged without stipulations on either side. The noble Earl had entered into the subjects of the silk and cotton manufactures. He (Lord Colchester) said that cotton had even now a protecting duty of 20 per cent., and foreign silk goods were not admissible under a duty of 30 per cent. so that it was not quite correct to say that those two great manufactures had risen entirely independent of protecting duties. It should not be forgotten that we were differently situated from most other countries, having extensive Colonies, whose commerce it was our policy to foster. With respect to buying in the cheapest market and selling in the dearest, that, no doubt, was a good maxim, but there was another quality in a market that was valuable, and that was certainty. Our commerce with foreign countries might be ruined by a hostile tariff or a war, but we had always the control over the markets of our Colonies. Again, in dealing with foreigners, we shared the benefit with them; but in dealing with a colony, both the parties who profited by the transactions were subjects of the Crown. Colonies were the great nurseries of our seamen in case of a foreign war; the trade employed half a million of British tonnage, which might be paralysed by the removal of those duties hitherto considered necessary for its protection. An example of the good policy of extending the relations with our Colonies by giving developement to their trade, and of the great extension of commerce which might be anticipated, was to be found in the sugar trade of India, after the discriminating duties between East India and West India sugar which formerly existed had been equalized. Up to the year 1836 our trade with India was considered on a footing with our foreign trade, and there was a considerable discriminating duty between East and West India sugar and rum. The first relaxation was in the duty on sugar. In the year 1840, before a Committee of that House, the matter was much considered, and it was then shown that near the Ganges sugar could be cultivated, and in such a quantity as to supply the whole world, but that the high duty on sugar prevented that cultivation. The Government of that day were prevailed upon to equalise the duties upon East and West India sugar, and the consequence was a very large increase in the quantity of sugar produced, as well as of rum—for instance, in 1836 the quantity of sugar produced was 270,000 cwt., and of rum 65,000 gallons, whilst in 1841, after the duties were equalized, the quantity of sugar was 1,000,000 cwt., and of rum the quantity was nearly doubled. In the Colonies the protective duties were still necessary, and, on that ground, he must record his vote in opposition to the Motion of the noble Lord.

The Duke of *Richmond* was very much surprised to hear the noble Earl who had

spoken last but one, say, that the agriculturists had it all their own way. He really believed that if they went into any part of the country, and told that at any meeting of farmers, they would say that his noble Friend must have dreamt it. What the farmers complained of was, that they had not had it all their own way, but that for the last three or four years the Government were going in the wrong direction, and that their interests were ser ously compromised. He, for one, should be very glad to have the inquiry proposed, but he could not vote for it after the speech of his noble Friend who proposed it, and of his noble Friend who followed in the debate; because if he did, he should at once be admitting that he was a free-trader—but that there was one single argument in all that was uttered by his noble Friend he was not prepared to admit in the slightest degree. His noble Friend who made the proposal said, that he would not object to a protective duty if they could show him that any one class was subject to more severe burthens than another. Why, that was the very reason he would have gone into that inquiry, because, did any man mean to say, that the farmers of England were not more taxed than any other class of men? They knew, that on the farmers were imposed the bulk of the taxes of the country. They knew that by law the manufacturers ought to pay upon their profits, but their profits could not be got at, and the farmer who did not make 300*l.* by his farm paid more than a manufacturer who perhaps in some years might make 30,000*l.* It was for this he should have been glad to go into the Committee to meet his noble Friend; but his noble Friend would not have moved for the Committee if he had thought it would be granted. This was one of those questions that were sometimes brought forward and supported in Parliament because it was known they could not be carried. He was not making any personal attack upon his noble Friend, but he knew that that had often been the practice of individuals who had moved in Parliament. His noble Friend said, he did not mean this as a party question; but he (the Duke of Richmond) would ask whether half the speech of his noble Friend was not an attack upon the Government for the Timber and Sugar Duties. Not that he wished to defend the Government, he would fairly admit that he did not like the speech of his noble Friend the Vice President of the Board of Trade; because what he wished to have from the Government was such a declaration as this, that so long as the agricultural interest was burthened with the taxes which it now paid and which rendered the British farmer totally unable to compete with the foreign corn grower—so long as this state of things existed, the agricultural interest should not be deprived of fair protection. But he was not satisfied with the Government, and he did not vote against his noble Friend because he was satisfied with them, but that he was more dissatisfied with him. The noble Earl had said that they were all dependent on a good or bad harvest—that he dreaded a bad harvest because they would then be dependent on a foreign supply, He was glad to hear his noble Friend say, that he did not like being dependent on a foreign supply: but would that induce our agriculturists to embark their capital in improvements and make them do as they had been doing, their utmost to improve the soil so as to increase the agricultural produce for the people of this country? His noble Friend was afraid of being dependent upon foreign supply, but with that sort of free-trade lunacy, that delusion under which he laboured, his noble Friend said, that the best way of getting rid of a foreign supply, was by ruining our own farmers, preventing them from cultivating the land as they ought, and making us at last purchase in a foreign country. It was very true, that there might be, and he trusted there was, going on a great spirit of improvement in this country. There was no man who would not say that during the last twenty years a great deal had been done, or that the agricultural interest had not endeavoured to improve the country. If they had not done so, then it might be said that the agricultural interest was dependent upon legislative protection and stood with their hands behind their backs, and had not endeavoured to assist themselves. But they knew that improvements had taken place to a great extent, and why were they not greater? Because great improvements upon farms could not be made without a great outlay of capital, and did they believe that a landlord or tenant would go to a great outlay of capital, when he saw that such motions as this might be made in Parliament, and not met at once by Government saying, that fair protection was the principle by which they intended to be guided, and that perhaps in two or three years all protection might cease? No. If they were really de-

sirous and anxious that improvements should take place in the agriculture of this country they should tell the agricultural interests that they should remain as they were. They would then exert their capital and themselves to the utmost; and if it were only permitted to them to do that, and their doubts were removed, in the next ten years there would take place as much improvement as there had been in the last twenty years. That was the practical view they should take of this subject. In that House it was not very often said when Peers stated their opinions on any subject that they were interested in it, and therefore their opinions were not of much value. He admitted that he was interested in agriculture, but he was interested in, and supported the agricultural interest of the country, because in his conscience he believed it produced the whole prosperity of England. He believed that, and he cared not for insinuation as to his own personal interest. He was interested for the labouring classes of the country also. He believed that if there were free trade in corn, and that the corn of Poland came into this country to-morrow, untaxed as that country was, and their labourers living as they could, upon what we should be ashamed to see our pigs eat, they would ruin the labouring classes of this country. He considered Free Trade to mean this—lower wages of the people of this country; he conceived, when they spoke of repealing the Corn Laws and of Free Trade, that they meant this. He believed that such would be the effect of Free Trade, and that many of those who advocated it without the walls of that House did wish to reduce the wages of the people. But he was happy to say that the great body of the labourers of England understood this question. They knew that the object was to lower wages; but they would rather be as they were, and he felt that if they were permitted to continue as they were they would be more prosperous than with all the visionary theories which his noble Friend had ventured to propound to their Lordships. His noble Friend in the beginning of his speech had given an instance of a hatter; but he would ask what would be the condition of the hatter if French hats were to be sold in this country at 6*s.* or 8*s.* a piece? The same with the farmers. If they allowed the foreigner to send corn into this country at a lower price than it could be grown at here, how were the farmers of this country to pay their share of the revenue? They could not pay any—it was a perfect delusion. Then his noble Friend said, that the imports into the United States had very much fallen off. The reason was exactly this—that in the year 1843 there had not been any manufacturer fool enough to send out any manufactures at all to the Americans unless he got hard money for them. Formerly he took bills of exchange, but he found that they did not pay their bills when they became due, and therefore he would not send out any more goods unless he got hard dollars for them. But that was set down to the protective system:—he denied that it was owing to any such cause—it was owing to the bad faith of some of the states of America. Then the question really came to this, whether or not we were to have Free Trade in everything? If that House should at the present moment say there should be perfect Free Trade in everything, he wanted to know whether they believed it was possible the country could go on. He had heard many say "You may alter the Corn Laws." He thought he heard his noble Friend opposite say that a fixed duty of 8*s.* would be a very good thing; but that was not Free Trade. The noble Lord said, he was averse to a protective duty, but was the House prepared to affirm that there should be no protection at all? His noble Friend fairly said, he was against protection, the whole of his speech was levelled against it; but his noble Friend got out of the difficulty as to the fixed duty by saying he was against anything like a protective duty, but that he was not against any duty that was levied for the purpose of revenue. It was very possible his noble Friend might say that a duty on foreign linens might be a very legitimate duty for the purpose of revenue—he might have it in his eye to protect the linen manufacturers of Ireland. Still it was a protection to them, and what in earth did it signify to them whether it was given as revenue or protection? But if they would tell him they would maintain the present scale of duty on corn and agricultural produce for the next twenty years, he never would say another word upon the subject—it would be perfectly immaterial to him whether they called it protection or Free Trade. But his noble Friend would not do that—he approved of what the Government had already done—they were going in the right course—step by step they were getting rid of protection. But he, for one, could never give his consent to the reduction of any part of the protection to the

agricultural interests in the slightest degree. He was prepared to carry out the same as far as the manufacturers went. He thought they ought to be protected also; and he never would make any difference in the opinion he gave, that he thought all ought to be protected so long as they were charged in the way in which they were by taxation. His noble Friend never spoke about hops—he did not recall to the attention of the House the immense and heavy tax which the farmers of this country paid in malt duty—he supposed that his noble Friend, with his great idea of Free Trade, would instantaneously propose that the Malt Duty should be repealed. If his noble Friend allowed all foreign countries to export all their agricultural produce into this country, it was perfectly clear that they must take away all such duties as this; but then he supposed his noble Friend was prepared also to repeal the prohibitions under which the farmers of this country laboured; at present they could not grow tobacco if they wished it—there was an Act of Parliament against it. He supposed that his noble Friend was prepared to do away with that; but if he was, and he was still Chancellor of the Exchequer, he would have to bring forward next year a worse budget even than that he produced the last year he was in office. He did not think that it was necessary for him to do more than protest against the speeches of the noble Lord who introduced this subject, of that of the noble Earl opposite, and also against that of his noble Friend the Vice-President of the Board of Trade, and he strongly suspected that he was almost solitary there, as no one had supported the view which he took of the question, but his noble Friend (Lord Colchester), who sits with his back to the wall. He was aware that in the view which he took of this subject he would not have the support of any of their Lordships but one. But if the people of England were polled, a very large majority, in both England and Scotland, would be found to agree with him that the adoption of Free Trade would be the ruin of the country, and moreover, that they would resort to every constitutional means to resist a course which would be destructive to all classes, and more especially to the labouring classes, and which would make this country dependent upon foreigners for a supply of food.

The Earl of *Wicklow* observed that there was hardly an argument or a principle laid down by his noble Friend, who had introduced the question to the House with so much ability and eloquence, in which he did not entirely agree; and, after saying that, he might be asked why he did not follow up this expression of opinion by confirming it with his vote? It by no means followed, however, that because he concurred with his noble Friend in opinion, that he should agree with him as to the best mode of carrying out those opinions. He agreed with the noble Duke, that a Committee on such a subject could never be expected to be granted at that period of the Session; for it was obviously impossible to go into an inquiry, so extensive and complicated as it necessarily would be, with any expectation of arriving at anything like satisfactory or beneficial conclusions. Although some good might follow from the appointment of such a Committee at the commencement of the Session, still it could not be doubted that it would be attended with incidental evils from the inquiry disturbing the great body of the commercial classes of this country, and that it would create great alarm in all the important interests of the country. It therefore became a matter of consideration whether they should appoint such a Committee under any circumstances. There was one opinion expressed by his noble Friend in which he most cordially concurred. His noble Friend said, that he was well aware that it was one thing to lay down sound principles, and another to apply them to a country which had existed hitherto under an entirely different state of things. Was not this a strong reason to hesitate before they took steps to follow out such an extensive course as was suggested by his noble Friend at once? But notwithstanding his objection to the Committee, he confessed that he should have voted for the Motion of his noble Friend, if the answer on the part of the Government to the Motion was any thing like that which the noble Duke had wished to have. It was the nature of the answer of his noble Friend the Vice-President of the Board of Trade, which had satisfied him, and had induced him to vote against the Motion, because he derived from that answer the consolitary fact, that between the principles laid down by his noble Friend, who had brought forward the Motion, and those of Her Majesty's Government, there was very little difference. There was no difference in principle, the only

difference was merely a question of time. One party was for a sudden change, and the other was for proceeding step by step, with due caution and deliberation. The latter course was that which he approved of, and he thought that the proceedings of the Government, with regard to the tariff, showed an anxious desire to promote those principles which, he believed, involved the best interests of the country; and at the same time they interfered so gradually in these questions as to prevent the changes being dangerous to the best interests of the country. He felt that Her Majesty's Ministers were treading in the right track, and he would not be a party to thwart them by opposition. He would not go into the question as to whether or not restrictive and protective duties were expedient at the time they were adopted, but at the present time, when our manufactures had been brought to such a state of perfection, he was convinced that the proper policy of England was free and unfettered intercourse with other countries. He did not believe, nor did he venture to hope, that the arguments of this country, on the question of getting rid of protection, would have much consideration or weight with foreign countries, and induce them to come to the same conclusion as this country. It should be remembered that other nations were gradually bringing their manufactures to a state of perfection, and they had no example before their eyes of a country attaining the highest state of manufacturing prosperity but this country, and they would infer that because we had so long adhered to a system of prohibition, that, therefore, this country owed its prosperity to protection. They would, therefore, infer that the doctrine of protection was the only means of enabling their manufacturers successfully to compete with ours.

The Marquess of *Lansdowne* stated that as he had been referred to by his noble Friend who had proposed the Motion, and also by the noble Lord the Vice-President of the Board of Trade as the author of a proposition something similar to the present, and which had met with a more favourable reception nineteen years ago, than that which his noble Friend had that night proposed was likely to obtain; he was induced to rise and offer a few observations to the House before the debate closed. He had listened to the debate and to the various sentiments of noble Lords who had taken part in the discussion with great interest, and after listening to the very able speech of the noble Earl the Vice-President of the Board of Trade, and the speech of his noble Friend the Duke of Richmond in opposition to this Motion, he could perceive only two points on which the noble Earl and the noble Duke seemed to agree, namely, in voting against the Motion now before the House, and in assigning arguments why the House ought to agree to it—for both these noble Lords pointed out circumstances which had recently occurred, which, if a Committee had sat on the subject, should have been made a matter of inquiry; and they should be brought to the test of inquiry, to see whether the facts alluded to by the noble Earl and the noble Duke bore the construction which they put upon them. The noble Earl said, look to the measures having the same direction as the course suggested by his noble Friend, which have been brought forward by Her Majesty's Government, and make yourselves acquainted with them, and observe the beneficial effects which have resulted from them when adopted by the Legislature and reduced to practice;—after stating this, the noble Earl admitted that these measures were not all that might be desired, and then said that this was an argument against inquiry as to whether they should not proceed further, and that these sound principles, as they were admitted to be by the noble Earl, should not be applied in other cases. The noble Earl, however, refused to let them obtain further information as to the success of former measures and as to the advantage of extending the principles on which they were founded. The noble Duke, however, called upon the House not to enter into inquiry, not because the measures to which he had just adverted were successful, but because they had not been successful, and because he altogether disapproved of them. The noble Earl said, do not inquire, because it is desirable that the principles of free-trade should be carried further. The noble Duke said, do not inquire, because my opposition to these measures is as great as yours, and their failure can be shown. Do not inquire, said the noble Earl, because you may be called upon to go on with measures founded on sound principles of legislation on this subject.

Do not inquire, said the noble Duke, because the result might be, that you might be called upon to repeal those measures which you erroneously adopted with regard to those subjects, and of which he altogether disapproved. The noble Duke said that he almost stood alone on this subject, but he (the Marquess of Lansdowne) could perceive no symptom of the solitude of opinion of the noble Duke; on the contrary, his speech seemed to have been received with marks of great satisfaction by several noble Lords who sat near him.

The Duke of *Richmond* said, that he alluded to the speeches in that House. He also said if the country was polled, the majority of the people would be against free trade.

The Marquess of *Lansdowne* observed, that certainly the speech of the noble Duke had been received with much more approbation by noble Lords opposite, than the declaration of the noble Earl, the Vice President of the Board of Trade, in favour of free-trade principles. Whatever confidence, therefore, that House might place in the Government, it was not marked in the enunciation of the very sound principles and arguments which the noble Earl, the Vice-President of the Board of Trade had laid down, and when they were told that any one enjoyed a state of solitude as regarded his opinions it certainly rather seemed to be the Vice-President of the Board of Trade than the noble Duke. The noble Earl said, that after the examples they had had of their success, those principles required nothing more than to be carried into effect. The noble Duke, on the contrary, alleged that they were founded on anything but wisdom and expediency. All that the noble Earl then asked, after these conflicting opinions, was, that they should pause before they further applied those principles, and inquire as to the expediency of carrying them farther. But under what circumstances did the noble Earl call upon the House to pause? Did the state of things in this country at the present time, looking to the state of the population, admit of their pausing with safety? This brought him to the arguments of the noble Earl as to the circumstances under which this Motion was made, and as to their being so different from those which induced Lord Liverpool to grant a Committee to enter upon a long, but he believed that he might safely say not a useless inquiry, and which had subsequently led to the adoption of several important measures. Undoubtedly, circumstances were not exactly the same after the lapse of twenty years; but if the noble Earl meant to say that existing circumstances did not as urgently call for inquiry, or that the subject did not as strongly demand the consideration of the Legislature and the Government now as then, he denied that there was anything in present circumstances to justify such a conclusion. He conceived that his noble Friend who had brought forward this Motion had, on this point, laid down unanswerable arguments, and had shown, from all that was passing in this country and abroad, that the necessity of inquiry was most urgent. Was not this country at the present period—while they were then debating—in a peculiar situation? Did it not happen that, at the present moment, they found, that after the lapse of a single year, there had been not less than five distinct failures in their negotiations of a commercial nature, on principles of reciprocity with foreign nations. He did not intend by that observation to imply anything like a fault to his noble Friend at the head of the Foreign Department—for he had no reason to believe, that there was any want of skill in carrying on these negotiations, or of anxiety to bring them to a successful termination. He merely alluded to it as a matter of fact, that with regard to every one of those Powers with which it was thought advisable, and for the interest of the country to frame more strict commercial relations, the negotiation had failed. It was so with respect to the United States; it was so with respect to France, to Germany, to Holland, to Portugal, to Spain, and to the Brazils. If any man looked to the spirit evinced by these States in their negotiations, and to the language employed by them, and which had been adverted to by his noble Friend, the Secretary for Foreign Affairs, in a document so recently laid before the House, he thought that there could be no doubt that there was a manifest indisposition on the part of the Powers of Europe to engage in reciprocity commercial treaties with this country. No one could observe the present state of opinion in Europe, and indeed throughout the world, without perceiving that there had succeeded to the spirit of military rivalry and military hostility a feeling only less absurd and objectionable; namely, a spirit of commercial

rivalry. This spirit arose from a most unfounded opinion that protection was essential to the success of manufactures, and that by establishing and adhering to that principle, and following in our former path of prohibition, by which they erroneously believed this country had arrived at its state of great prosperity, other countries would obtain as much manufacturing influence as this country. This was an undoubted fact; and, however sanguine a man might be, he must be more sanguine than the noble Duke on the advantage of protection, or of his noble Friend, the Secretary for Foreign Affairs, as to the advantage of reciprocity, who would rise and say that he saw any indication of a more amicable and enlightened understanding on this subject on the part of those Foreign Powers to whom he had alluded. He stated this as a fact, and without wishing to undervalue the importance of any of the negotiations in which his noble Friend had been engaged; but he joined most cordially with his noble Friend, the noble Earl who spoke last on that side of the House, that however disagreeable the failure of these negotiations might be to Her Majesty's Ministers, he hoped that they would have firmness and resolution and honesty sufficient to prevent them resorting to a course which he feared was too popular, both in this country and that House, namely, the system of what was called retaliation. He was convinced, that if a Committee was appointed, the evils of resorting to such a course would be shown to fall on the country which attempted to retaliate. He trusted that this country would have the wisdom and the sense not to adopt this principle of retaliation, for if they did, the inevitable result would be the production of much mischief to our manufactures. The evil to the country against which this principle was applied, would only be felt by driving a certain amount of labour and capital from one channel of employment to another; but the effect on the country that adopted the principle would be the displacement of capital from more profitable to less profitable sources of employment, which must weaken the chance of the success of its manufacturing produce in every other market in Europe but its own. He, therefore, hailed with his noble Friend the admission of the noble Earl, the Vice-President of the Board of Trade, that nothing like a system of retaliation should be attempted. He also inferred from the correspondence which had taken place between his noble Friend the Secretary for Foreign Affairs and Baron Bulow, and from the conversation which had taken place in the other House with respect to that correspondence, that there was no intention on the part of the Government to adopt or resort to a system of retaliation. The noble Earl, the Vice-President of the Board of Trade, said, do not agree to the appointment of this Committee, for although you have hitherto proceeded in a right direction, you may by doing so excite expectations which you may be unable to fulfil. The noble Earl did not say that no more was to be done in the way of legislation, founded on those principles which he designated as sound and wise—he believed that the noble Earl was too prudent to say, that in the course of twelve months no further measures in the same direction should be brought forward. Could it, however, excite false expectations in the minds of the Queen's subjects to adopt a course to make them acquainted with facts, so as to induce them readily to adopt the sound principles alluded to by the noble Earl, and to carry them out to the extent that was desirable? It was only a very short time ago that the right hon. Gentleman at the head of the Government stated, in reference to one of the most important branches of trade in this country, that it was in a state of transition; he alluded to the sugar trade. Was this a state of things to which persons engaged in that important trade should reconcile their minds? and could it be expected that they must shut their eyes until some future change was proposed for their approval? Supposing any noble Lord present was connected with the sugar trade or any other trade, similarly circumstanced, he wished them joy after the speech which he had alluded to. They had heard nothing from the noble Earl, the Vice-President of the Board of Trade, to lead to the conclusion that nothing more would now be done on this subject, and that they would not again fall back upon the principle and theory on which the Government had acted with respect to other matters. He agreed with the noble Duke that to raise a revenue taxes must be imposed, but taxes upon trade were adverse to revenue, as had been abundantly proved by his noble Friend in proposing his Motion. The noble Duke had said, who ever thought of raising a revenue from free-trade? Now he was satisfied that they could raise a revenue by imposing a moderate tax, but they could not do so by imposing such duties as would be what were called protective. The one course would have the

directly opposite effect from the other. The noble Duke had asked to have pointed out to him instances in which there was free-trade with a revenue, in contradistinction to no revenue with a prohibitory duty. He must suppose that the noble Duke did not hear the speech of his noble Friend near him, who had [so clearly shown the effect, as regarded the revenue, of removing the protective duty on various important articles, and only imposing a comparatively small duty. He showed that this particularly was the case as regarded linen, silk, and spirits. The noble Duke denied that the wild theory, as he called it, of free-trade, would increase the revenue; but his noble Friend had shown that its adoption had done so to the amount of several hundreds of thousands of pounds in the year. On this ground, if the noble Duke was not satisfied, surely he should vote for inquiry, and see whether the cases of a more free trade in the articles he mentioned had not been productive of an increased revenue. The noble Earl the Vice-President of the Board of Trade said he should avoid all discussion on the question of sugar, because a Bill on the subject would shortly come before the House. He should have thought that this was a reason why they should previously make inquiries into the subject, so as to make themselves acquainted with the question in all its bearings, and express an opinion on the subject; for it should be recollected that the Sugar Duties Bill could not be altered in that House. The sugar question was one of the utmost importance connected with the commercial interests of this country, and would become more so every year. He believed that this was one of the questions with respect to which the people of this country had a right to complain of the Legislature. He could not say with the noble Duke that the labourers of the country understood this question, but if they did, he was sure that they would regard it as a ground of complaint. This country, of all the countries in the world, had the most extended dominions, spread over every climate, and had more extensive commercial relations in every part of the world than any other, and was enabled more readily than any other to bring together the produce of every soil and climate. The result to the labouring classes should be that they should not merely be sharers in its glory, but that the productions of other countries should be more readily placed within their reach; and, above all, that an article which was one of the greatest necessities, and also luxuries of life, should be more readily attainable by the people of this country, than by those who did not possess the same commercial advantages. But in consequence of the state of the law, the English labourer was only enabled to consume one-third of the quantity of sugar that was attainable by the reformed convict in New Holland, and one-half the quantity attainable by the settler sent to the Cape of Good Hope. After this can you tell the people of this country that they should be proud of its glory, when at the same time you refuse to them all the practical advantages of it. He would not allude to the hypocritical argument, for it would be regarded in no other light by every other country in Europe, as to refusing to allow the introduction of sugar from the most productive markets in the world, because it was what was called slave-grown sugar. This was a most monstrous objection, when your chief branch of manufactures depended upon the supply of a slave grown article, he meant cotton. To be at all consistent, you ought to exclude all cotton not the produce of free labour. After this no country in Europe or in the world would believe that you objected to the introduction of sugar from certain places because it was the produce of slave labour, when you allowed the most extensive introduction of an article produced under analogous circumstances. He thought, at no distant time, they would be compelled to assent to free trade in that article which formed so large a portion of the comforts and necessities of the people of this country. He would not go into another question then, because it might be supposed to be foreign to the discussion; but which, nevertheless, lay side by side to the question to which he had alluded—he meant the effect on the West Indian interest of the admission of foreign sugar, which would no doubt considerably lower the price of that article; but he would add, that justice was due to the West India proprietors, and a greater facility ought to be given to emigration—freedom to the employer as well as the employed. After the failure of the attempts of this country to prohibit the Slave Trade, its efforts might be directed to regulate the transmission of free labourers from various parts of the world—from India, from China, but most of all from Africa, to the West Indies. He thought this country had the deepest interest, as he was sure the West Indian proprietors had,

in seeing a floating bridge across the Atlantic, by means of which the people of Africa might be conveyed across to prosecute their free labour in the West Indies. Upwards of 2,000 freemen had already been transported from the former to the latter country as free labourers, and were well pleased with their situation and employment. If Her Majesty's Government were to take the matter up, and proper regulations were made, so that no negro should leave Africa unless in a ship properly prepared for his reception, and without having an opportunity of returning to his own country, by a free passage at any time, he believed the most beneficial system of immigration might be carried on. He entirely concurred in the sentiments so strongly expressed by the noble Earl who immediately preceded him in that debate. He believed the only safety of this country was the systematic adoption of the principles of free trade, and applying them in all cases in which they were not inconsistent with revenue; he believed that revenue alone should be the restriction, and provided they secured that revenue, they might bear the storm of all the prohibitions which the folly of European powers might direct against them. Those prohibitions were the children of their own close and protective policy, but they were in a train, he hoped, of getting rid of those restrictions, and adopting a wiser, more enlarged, and enlightened policy; and he also trusted, when they had adopted it, it would become a beacon which other countries would be disposed to steer by, as the foundation of their own prosperity.

The Earl of *Winchilsea* opposed the Motion. He admitted that the question had been introduced to their Lordships' notice with very great talent by the noble Lord opposite (Lord Monteagle); but however the noble Lord might have masked his real intention and views, there was no doubt that it was a free-trade question. Now, if he (the Earl of Winchilsea) resided in a country where they were about to establish government and laws relative to trade and commerce for the first time, no man would more warmly or sincerely advocate the principles of free-trade than he himself would. But let them look at the peculiar circumstances in which this country was placed, observe the artificial state of society, consider the vast and complicated interests which had been created and grown up—whether right or wrong he would not now attempt to argue—by the protection which had been awarded to different branches of public industry. An enormous national debt bore us down at every point, the interest of which must be paid. Talk about free-trade and the impolicy of protective duties as much as they liked, advocate the removal or reduction of this duty or that, still the revenue must be considered; and taking that important question into consideration, and the situation in which we at present stood, those duties could not be abandoned. If the noble Lord had shown that other Powers were prepared to forego all restriction upon the various branches of industry in this country, that might have formed some ground for supporting his Motion; but he (the Earl of Winchilsea) had travelled through several countries where manufactures were springing up that would enter into competition with ours; but they were quite opposed to the taking off those duties which affected British productions, let this country do what it might. As to the agricultural interest, he did not claim for it any protection which he was not fully prepared to extend to every other interest. But what was the situation of the agricultural interest? Let it be remembered, that there were peculiar burthens which were borne by the land, and that in the event of a bad harvest, the taxes, which constituted those burthens, were paid out of the capital, and not out of the profits of the farmer. If proper encouragement were given to the colonial and home markets, without reference in the slightest degree to the foreign market, he believed they would thereby ensure the prosperity of the manufacturing interest to a larger extent than by any other means. Entertaining these opinions he should give his most strenuous opposition to the Motion of the noble Lord.

Lord *Monteagle* in reply:—My Lords, I rejoice in having made this Motion, and in the debate which has followed it. We, who recommend to your Lordships the principles of freedom of trade, have gained some vantage ground. The principles of protection have not been very strenuously defended even by the noble Earl, who has represented the Government. But what is still more striking is, that the vicious system of retaliatory duties, and the necessity of awaiting the conclusion of commercial treaties, seem to be generally abandoned. I augur from the very eloquent silence of the Members of the Cabinet, that they

fully adopt the statements of the Vice-President of the Board of Trade. My Lords, I think the noble Earl (the Earl of Winchilsea), who has spoken on the other side, unwittingly on his part, has strongly justified the Motion I have made. "Think of the National Debt," he observes, "and do not expose your fellow-countrymen to the competition of nations, who pay no such burthens." My Lords, it is on that very account—it is because a much-enduring nation is loaded with taxation—it is because we have an enormous National Debt, that I entreat your Lordships to grant relief to their industry. Do not let them at once suffer from the weight of your taxes and the weight of your injustice. Let industry and capital be free, and depend upon it the taxes will easily be paid, and the National Debt will be secure. The noble Earl states, that in his late visit to the Continent, he has observed in every country the rapid growth of manufacturing skill and industry. I willingly accept this testimony—I make the noble Earl my witness—and intreat your Lordships not to subject the manufacturing industry to unjust and mischievous burthens, from which their rivals in trade are exempt. My Lords, if my principles are wrong, and those of the noble Lords opposite are right, then have you confederates and associates whom you little dream of. The Repealers of Ireland are of the same school of philosophy. They complain, though I have considered most absurdly, that the Imperial Parliament has deprived them of the protection to their industry, which a native Legislature afforded. My Lords, if that protection had been really productive of good to Ireland, they are right. In that case your Lordships would be right likewise. The fact is, you are both wrong, and the case of Ireland affords a demonstration of the whole proposition. You have destroyed the woollens of Kilkenny, by your Leeds and Witney blankets, say the Repealers. Monstrous injustice! But they omit to compare the interest of the millions who require blankets, with those of a few struggling manufacturers of woollen goods. You have ruined our Irish collieries, says another. But what was the just outcry from Belfast and Dublin, when the brewers, distillers, and manufacturers had to pay an import duty on coals, and yet to compete with Liverpool and Glasgow, whose coals were had both cheaper and duty-free also. The absurdity of your protection has not been half exposed. You protected Ireland against England, and at the same time professed to protect England against Ireland. Such was the principle of the 10 per cent. Union Duties. But you did more, you protected one part of England against another. A few southern counties have a soil and climate which allows the ripening of clover and other seeds. For their sakes you placed a heavy duty on clover seeds. This you termed an agricultural protection, forsooth! You taxed every other class of farmers in England, for the sake of the favoured spots, and compelled them to accept a worse article, or to pay an enhanced price. Such is the system into which your Lordships will not even condescend to inquire! Leaving these facts to rest on your Lordships' attention, I now submit my Motion to your judgment.

Their Lordships divided:—Contents, present 38; Proxies 37:—75.—Not-Contents, present 90; Proxies 94:—184.—Majority aganist the Motion 109.

List of the NOT-CONTENTS

Duke of Cambridge.
The Lord Chancellor.

DUKES.

Richmond
Rutland
Buccleuch
Montrose
Wellington
Buckingham
Cleveland.

MARQUESSES

Winchester
Salisbury
Abercorn
Exeter
Camden
Londonderry.

EARLS.

Devon
Winchilsea
Shaftesbury
Jersey
Morton
Home
Haddington
Galloway
Dalhousie
Aberdeen
Dunmore
Dartmouth
Hardwicke
Delawarr
Bathurst
Beverley
Mansfield
Courtown
Clanwilliam
Mountcashell
Longford
Wicklow
Bandon
Rosslyn
Powis
Lonsdale
Harewood
Cathcart
Verulam
Brownlow
Beauchamp
Glengall
Eldon
Falmouth
Somers
Ripon.

VISCOUNTS.

Hereford
Sydney
Hood
Strangford
Gage
Hawarden
Lake
Combermere
Canning
Canterbury.

BISHOPS.

Lincoln
Rochester
Glocester

LORDS.

De Ros
Beaumont
Saltoun
Polwarth
Middleton
Sondes
Rodney
Berwick

Kenyon
Bayning
Bolton
Northwick
Blayney
Carbery
Farnham
Redesdale
Sandys
Colchester
Delamere
Forester
Rayleigh
Wharncliffe
Feversham
Tenterden
Heytesbury
Templemore.

Proxies.

DUKES.
Beaufort
Marlborough
Roxburghe
Portland
Newcastle
Northumberland
MARQUESSES.
Tweeddale
Hertford
Bute
Waterford
Donegal
Thomond
Ely
Cholmondeley
Ailesbury
Westmeath
Ormonde
Bristol.
EARLS.
Pembroke
Denbigh
Westmorland
Stamford
Poulett
Eglintoun
Moray
Lauderdale
Airlie
Leven
Selkirk
Balcarres
Seafield
Glasgow
Ferrers
Macclesfield
Warwick
Buckinghamshire
Egremont
Talbot
Carnarvon
Malmesbury
Mornington
Roden
Mayo
Enniskillen
Clare
Donoughmore
Limerick
Clancarty
Charleville
St. Germans
Bradford
Sheffield
De Gray
Howe
Dunraven
Ranfurley.
VISCOUNTS.
Arbuthnot
Strathallen
Massareene
De Vesci
O'Neil
St. Vincent
Exmouth
Hill.
BISHOP.
Chichester.
LORDS.
Clinton
St. John
Sinclair
Reay
Dynevor
Bagot
Grantley
Carteret
Montagu
Braybrooke
Wodehouse
Dunsany
Clonbrook
Crofton
Alvanley
Rivers
Ellenborough
Churchill
Harris
Prudhoe
Downes
Gifford
De Tabley
Cowley
Stuart de Rothesay
Wynford
Abinger
Ashburton
Seaton.

List of the CONTENTS.

MARQUESSES.
Normanby
Clanricarde
Lansdowne.
EARLS.
Leitrim
Radnor
Auckland
Minto
Lovelace
Clarendon
Fortescue
Burlington
Bruce
Rosebery
Scarborough
Craven.
VISCOUNT.
Gardiner.
BISHOPS.
Worcester
Norwich.
BARONS.
Lurgan
Carew
Ponsonby
Monteagle
Wrottesley
Campbell
Teynham
Dacre
Colborne
Cloncurry
Leigh
Stafford
Vivian
Sudeley
Lovat
Cottenham
Wenlock
Camoys
Crewe
Suffield.

Proxies.

DUKES.
Bedford
Devonshire
Somerset
MARQUESSES.
Westminster
Breadalbane.
EARLS.
Fitzwilliam
Albemarle
Gainsborough
Camperdown
Fingal
Lichfield
Effingham
Suffolk
Charlemont
Gosford
Shrewsbury
Spencer
Zetland
Huntingdon
Ducie
Leicester.
BARONS.
Furnival
Berners
Vernon
Godolphin
Ponsonby (Earl of Besborough)
Mostyn
Vaux (of Harrowden)
Rossmore
Boyle (Earl of Cork)
Arundel (of Wardour)
Dinorben
Dunalley
Hatherton
Carleton (Earl of Shannon)
Dormer
Stourton.

Paired Off.

AGAINST.	FOR.
Marq. of Huntley	Duke of Hamilton
Marq. of Downshire	Duke of Sutherland
Earl of Sandwich	Marq. of Anglesey
Earl of Kinnoul	Duke of Leinster
Earl of Tankerville	Earl of Thanet
Earl of Digby	Lord Stanley, of Alderley
Earl of Liverpool	Lord Foley
Earl of Lucan	Lord Beauvale
Earl of Harrowby	Lord Langdale
Earl of Stradbroke	Earl of Sefton
Earl of Cawdor	Lord Denman
Viscount Melville	Lord Lyttelton
Viscount Lorton	Lord de Freyne
Viscount Beresford	Earl Fitzhardinge
Bishop of Winchester	Lord Bateman
Bishop of Bangor	Bishop of Durham
Bishop of Exeter	Marq. of Headfort
Lord Colville	Lord Stafford
Lord Ravensworth	Lord Methuen
Lord Keane	Earl of Stair.

House adjourned.

The following Protest was entered on the rejection of Lord Monteagle's Motion for the appointment of a Select Committee to inquire into the Import Duties:—

DISSENTIENT—

1. Because it has been proved by experience, on many previous occasions, that Parliamentary inquiries into the state of our foreign trade have been usefully instituted, and have led to highly beneficial consequences, without creating any inconvenient disturbance or embarrassment to those commercial interests which were brought under the attention of the Legislature.

2. Because such an inquiry seems peculiarly requisite at the present moment, when Parliament is enabled to review the effects of various changes already made in the system of Customs' duties, and to consider the propriety of further alterations recommended for its adoption; it being by such careful investigation of general principles, and by the evidence of practical men, that past experience may be rendered most conducive to future legislative improvement.

3. Because it is the tendency of duties imposed neither for the purposes of revenue nor for countervailing justly the burthens of a particular class, to make the taxation of the country partial, unequal, and therefore, unjust, it becomes the duty of Parliament to examine whether any general or special advantages have been found to proceed from such deviations from those more comprehensive principles by which commercial policy should be governed.

4. Because all protective duties, like all artificial bounties on the diversion of capital from those branches of industry to which it would otherwise, and more naturally, be applied, lead to that application of capital in a manner less profitable to its owners, thereby diminishing the wealth of individuals and of the nation; and therefore all such anomalies in commercial law require the most careful investigation before their continuance can be justified, even in reference to the ultimate interests of those whom it is proposed to protect.

5. Because a preliminary inquiry is well calculated to remove many unfounded alarms, as well as many false expectations, thus preparing the way safely, and with a more general assent of all classes, for the adoption of an improved system of Customs' duties, consistent alike with the interests of the revenue, and with the interests of British industry.

6. Because the necessity of such inquiry is rendered still more apparent, from the announcement that it is intended, in the course of the next year, to take a comprehensive review of our financial and commercial laws, the proposed inquiry affording the best security against unwise or hasty legislation, like that by which we have seen revenue sacrificed without the attainment of any commensurate benefit by the consumer, the total receipt of duties lessened by the increase of their nominal amount, and novel and augmented colonial discriminations injudicially sanctioned by the Legislature; thus raising most impolitic obstacles to the establishment of an improved system.

7. Because the system of protective duties not only diminishes the wealth of a nation, by imposing fetters and restraints on productive industry; but it also excites suspicions and jealousies in our relations with foreign powers, leading to unwise and irritating international retaliations, dangerous to the peace of the world.

8. Because it peculiarly behoves the first commercial power of Europe to give an example to other nations of a sincere desire to discard the narrow and selfish restraints of restrictive policy, and to apply practically those more generous and comprehensive principles sanctioned by the authority of the most eminent writers, the recommendation of the ablest Statesmen, and the evidence of experience; by which it is proved that freedom of commerce best enables individuals, as well as communities, to apply capital and labour to such employments as are most useful to all; stimulating industry, rewarding ingenuity, and distributing labour most effectually and economically; and, by thus creating the largest amount of production, and the widest extent and variety of interchange, binding in one common tie of interest the universal society of nations.

MONTEAGLE of Brandon.
LANSDOWNE.
RADNOR.
ROSEBERY.
MINTO.
AUCKLAND.
CLONCURRY.
LURGAN.

HOUSE OF COMMONS,

Thursday, June 13, 1844.

MINUTES.] BILLS. *Public.*—1°. Duchy of Cornwall Assessionable Manors; Duchy of Cornwall Lands.

2°. Bank of England Charter.

Reported.—County Rates.

3°. and passed:—Manchester Bonding.

Private.—1°. Stone's Estate.

Reported.—Rochdale Improvement; London and South Western Railway.

3°. and passed:—Brighton, Lewes, and Hastings Railway.

PETITIONS PRESENTED. By Viscount Clements, from Lavey, and Lara, for Repeal of the Union.—By many hon. Members (32 Petitions), against Dissenters Chapels Bill.—By Lord Howard, from St. Andrew's, Holborn, for the better Observance of the Lord's Day.—By Captain Maxwell, from Cavan, for Legalizing Presbyterian Marriages.—By Mr. Butler, from Lisdowney, and Mr. Redington, from Galway, for an Absentee Tax.—By Mr. Adderley, from Ashburton, and Uttoxeter, for Graduated Duties on Cheese and Butter.—By many hon. Members (33), against Repeal of Corn Laws.—By Mr. Thos. Duncombe, from Wharfingers of London, against Customs Duties Bill.—By Mr. Charles Round, from Saffron Wal-

den, for Alteration of Law of Arson.—By Mr. Allix, from Cambridgeshire, Sir J. Trollope, from Spalding, and Mr. Wallace, from London, against Bank of England Charter Bill.—By Mr. Thos. Duncombe, from Leicester, for Alteration of Law of Blasphemy.—By Mr. Wallace, from Cathcart, etc., for Extending Factories Act to Bleaching Works.—By Mr. Thos. Duncombe, from Somers Town, for Mitigation of Sentence on Thomas Cooper.—By Sir R. Philips, from Narberth, in favour of County Courts Bill.—By Colonel Sibthorp, from London, for Alteration of Currency.—By Mr. Redhead Yorke, from York, against Poor Law Amendment Bill.—By Mr. Colvile, from Derbyshire (51), against Repeal of Gilbert's Act.—By Sir James Graham, from Belfast, and Mr. Vesey, from Abbeyleix, for Alteration of Poor Law (Ireland).—By Mr. Thos. Duncombe, from Journeymen Tailors (19), for better regulation of Tailors Trade.

COURTS OF LAW—IRELAND.] Mr. *French* asked when the Government would proceed with the so long delayed subject of the Courts of Law in Ireland.

The *Chancellor of the Exchequer* said he would give an answer in a couple of days.

BANK CHARTER—THE CURRENCY.] The Order of the Day for the second reading of the Bank of England Charter Bill. On the Motion that the Bill be now read a second time,

Mr. *Hawes* spoke as follows:—Mr. Speaker,—The subject which I propose to bring under the consideration of the House is one of great importance and involving many complicated details; I must at once therefore ask the consideration and indulgence of the House, while I endeavour to state as clearly as I can, the grounds upon which I venture to oppose the further progress of the Bill now before the House. I sincerely hope that I shall not be supposed to be guilty of presumption, or of any overweening confidence in my own judgment in taking this step, and in seeking the support of the House for the Motion with which I am about to conclude—and upon which it is my intention to take the sense of the House. It will be my object in directing the attention of the House to the plan which has been laid before it by the right hon. Baronet, to shew that it is not founded upon sufficient evidence, or in the words of the Motion:

"That no sufficient evidence has been laid before this House to justify the proposed interference with Banks of Issue in the management of their circulation."

That however great may be the importance attached to it—and it must necessarily be regarded by the House as highly important, both in its principle and its details—it must be regarded as a plan not founded upon evidence sufficiently clear, and indisputable, to justify its adoption. In the first place, I must be permitted to say that the Bill of the right hon. Baronet, now under consideration, ought to be looked upon merely as a plan for regulating the paper currency of the country. It is brought forward upon no new data—it establishes no new principle—and if it be this evening negatived by the House, let it be remembered that the principles embodied in the Act of 1819, and those contained in the Report of the Bullion Committee of 1810, will still remain in force, and will not be in the slightest degree affected by that decision. The Bill is one of regulation, not of principle. To all that has been said by the right hon. Baronet, with respect to the value of a gold standard—to all that he has said of the importance of securing perfectly and fully the immediate and constant convertibility into gold of promissory notes payable at the will of the holder, I have not the smallest objection to offer. I subscribe to what is contained in that portion of his speech as completely and as cordially as the right hon. Baronet himself. I have, therefore, no objection to make to the principle of convertibility, as enforced by the Bill of 1819, nor do I mean in the course of my observations upon this part of the subject to put forward anything opposed to the doctrines advocated by the authors of the Bullion Report of 1810. But I do mean to contend that that principle, or those doctrines, afford no sufficient basis for the proposed interference with the Banks of issue in the management of their circulation. This measure is intended, avowedly, to surround the principle of the convertibility with additional security beyond that offered by the Bill of 1819, and in considering the plan of the right hon. Baronet, it will be necessary first to examine the argument by which it is sought to establish the expediency of giving that principle additional force and effect. As I understand the right hon. Baronet, his object in bringing forward the present plan is to cause the paper currency of this country to conform exactly to the fluctuations of a gold circulation, to make it oscillate as a metallic circulation would oscillate, and to prevent, as far as possible, those fluctu-

ations in our paper currency which, it is alleged, have endangered the convertibility of paper into gold at the will of the holder. The right hon. Baronet so clearly and distinctly developed his plan on laying it before the House, that I feel it scarcely necessary to do more than simply refer to such portions of it as I may have occasion to comment upon; but as the subject is so important, and as it is one in dealing with which perfect clearness is absolutely necessary, I will, to prevent the possibility of mistake as to the principles or objects avowed by the right hon. Baronet quote the words he used on that occasion. The right hon. Baronet said;—

"If we admit the principle of a metallic standard, and admit that the paper currency ought to be regulated by immediate reference to the foreign exchanges,—that there ought to be early contractions of paper on the efflux of gold,—we might I think infer from reasoning, without the aid of experience, that an unlimited competition in respect to issue will not afford a security for the proper regulation of the paper currency."

And at a subsequent part of his speech the right hon. Baronet said:—

"I will endeavour to prove to your conviction, from the domestic experience of twenty years, that now is the time when, if you are wise, you will take security against unlimited competition in issues, will increase the control of one superintending Bank, and will prevent alterations and vicissitudes in that medium of exchange which is to regulate the value of every article in this country."

And again, in stating the practical details of the plan, he said:—

"We think it of great importance to increase the controlling power of a single Bank of issue."

The object then of the right hon. Baronet, as declared by him in bringing forward this measure, is to give increased power to one controlling Bank of issue, and thus to obtain security against the results of unlimited competition in the issue of a paper currency. Now I must observe that in my opinion "unlimited competition" does not exist and cannot exist while the principle of convertibility remains established as it is by the Bill of 1819; that that principle eventually prevents unlimited competition; confining a paper circulation if properly applied, within perfectly safe and secure limits, and indeed within its only legitimate limit. If promissory notes payable on demand are convertible into gold at the will of the holder, I contend that so long as such convertibility is maintained and secured by law and practice, there is an adequate and sufficient check upon the issues of bank notes, and I think therefore that it would not be wise, in order to obtain the further and more stringent check proposed, to adopt a measure open to objections so weighty as those which I shall endeavour to lay before the House. But before I proceed further, before I enter into details, I would shortly direct the attention of the House to, and review, the three great occasions (of which I consider the present as one), upon which the monetary system of this country has been brought under the consideration of Parliament. I conceive it necessary to do so in order thoroughly to examine the arguments upon which the plan of the right hon. Baronet is based, and to contrast them with those which were stated to be the grounds of the previous alteration. The first of these great occasions when our monetary system was discussed, and to which I have alluded, took place in 1810 and 1811, when the Report of the Bullion Committee was published, and when the subject was most fully and ably discussed. That Report must of course, be in the recollection of many hon. Members. I do not propose to enter into the subject of it at any length. It will be sufficient shortly to state, in the language of the advocates of that Report, the evils which it traced to the alleged over issues of paper, viz:—that Bank of England paper and country bank paper had been depreciated, that the difference between the mint and the market price of gold was at once the proof and the measure of that depreciation, that the prices of commodities generally were thereby enhanced, and the foreign exchanges turned against us. And it declared, as the result of the investigation, that the only remedy for those evils, was a more limited issue of paper money convertible into coin. It is of importance that the House should notice particularly the results which the report of the Bullion Committee represented as having arisen from an over issue of paper, as I shall endeavour to show to the House that though that Committee undoubtedly adopted the soundest principles for regulating our

Currency, they were in error as to the facts from which they deduced those principles. I will endeavour to show that their doctrine though correct, was not based upon a correct statement of facts. I should be justly chargeable with presumption in endeavouring now to convince the House that that report conveyed an erroneous impression of the facts to which it had reference, were I to do so upon my own unsupported opinion; but I believe I shall be able to shew from indisputable authority, that Mr. Horner and the other eminent men who drew up and supported the Bullion Report of 1810, were in error, as to the facts, however sound and unquestionable were the principles they promulgated. The report in question states,

"That there is at present an excess in the paper circulation of this country, of which the most unequivocal symptom is the very high price of bullion, and next to that the low state of the continental exchanges; that this excess is to be ascribed to the want of a sufficient check and control in the issues of paper from the Bank of England; and originally to the suspension of cash payments, which removed the natural and true control."

Mr. Horner said, in introducing his resolutions, founded on the Bullion Report—

"But it is not alone from the extraordinary rise in the market prices of the precious metals in this country; a rise not to be accounted for on the ground of any correspondent rise in the markets of Europe, that the depreciation of our Currency is demonstrable. The equally extraordinary rise in the prices of the necessaries of life, not as compared with the precious metals, but as compared with the actual circulation, affords a clear and convincing proof of its depreciation. The great and paramount standard of all value, Sir, is corn; and in order to enable the Committee to form an estimate of this standard, I shall beg leave to call the attention of gentlemen to the extravagant rise which has, within the last few years, taken place in the prices of that article."

"Reduce the issues," said Mr. Huskisson, "and lower prices, and restore the exchanges,"—and he proceeded to recommend a reduction of the issues of Bank paper as a remedy for the evils which the Bullion Report had so forcibly pointed out. Now, when I mention the Report of 1810, and when it is recollected by whom that Report was drawn up, the House will no doubt be surprised to hear that for a great portion of the statement which I have just quoted there was no foundation in fact—that there was no ground for stating that the prices of commodities, composing our ordinary export trade, were higher in this country than in any other part of the globe. Had we possessed the power of freely exporting those commodities we might at once have restored the exchanges, and recovered our gold; the alleged excess of our paper currency had comparatively but little to do with the question. What were the commodities alluded to? How is it to be proved that their price was higher here than in any other country? The fact was, that sugar and other colonial produce, and such commodities as we usually exported, were at that period cheaper in this, than in another part of the world. What then, was the cause of the high price of gold at that time, the date of the Bullion Report? Not the excess of our paper currency, but those political events which at once stopped the export of goods to the Continent, and compelled the transmission of gold thither—the circumstance altogether independent of the issue of paper. For several years, but particularly from 1808 to 1814, these circumstances continue to operate, and must, under any condition of our paper currency, have produced similar effects. The correctness of this opinion may be doubted, but it does not originate with me. I can adduce in support of it an authority which merits the fullest confidence of the House—the authority of Mr. Deacon Hume, a gentleman with whose name this House is familiar, and whose opinions on every economical subject are entitled to the greatest weight. That gentleman, writing on this subject, in 1834, used these words:—

"Our money at that time, (the period in question), was wholly paper, unchecked by gold as its test or regulator; it was therefore peculiarly fit to be tested by the prices of commodities in countries where money was subjected to the ordeal of the precious metals. Now, I mean to assert, that from this trial of its value our currency of that day will come out triumphant. It is a positive fact that England was the cheapest country in the world during the time when gold was 25 per cent. and upwards, above the mint price."

And again,

"All exportable articles were, in this country, far cheaper, computed even in Bank notes, than they were in the countries of their proper markets in gold."

Referring to the conduct of the Bank, he says,

"I defend the Bank up to the end of the war. Their conduct since has been full of blunders, full of faults; but they understand their duty now. They have had lessons of costly experience, and there is ample reason to be satisfied with present arrangements."

These are the words of Mr. Deacon Hume, and I am glad to be enabled to appeal to an authority, so justly regarded as one of weight and importance. It would be impossible, in fact, to have a higher authority than that of Mr. Hume—a public officer of great judgment and experience, intimately acquainted with the trade and commerce of this country, and who long devoted all the energies of a powerful mind to the subject. How, then, did the Committee of 1810 attempt to prove the existence of an excessive issue, and consequent depreciation of paper. Simply by the statement of a difference between the mint price, and the market price of gold. By this, and this only, was the excess of issue said to be indicated; and accordingly this formed the basis of the Report of the Committee, and was subsequently recognised as that of the Bill of 1819. In that year the right hon. Baronet, adopting the views of the Bullion Report, said, that there had been again an excess of commercial speculation in consequence of the over issues of paper, and recommended, as a check upon the issues, the return to a metallic standard of value, conceiving that a return to cash payments would furnish the counteracting principle, and thus prevent, in future, excessive issues of paper. But still no attempt was made, either in 1810, or in 1819, to account for the difference between the mint and the market price of gold, otherwise than by the assertion, that paper had been issued in excess. Now, I admit, that at the period referred to by the Bullion Report, there was a considerable difference between the mint and the market price of gold, but then I ask the right hon. Baronet whether that alone is to be considered a proof of an over issue of paper? But even admitting that it does afford such proof—that such a difference forms the proper indication, and is the measure of an excessive issue of paper, what similar proof have we had of over issues since 1819? And if from 1819 to 1844, the proof previously relied upon fails, with what new evidence are we furnished in justification of the present Bill? Up to the period when the war terminated, the variations in our exchanges, the high price of gold, and the high price of one class of exportable commodities, can be clearly accounted for without reference to the doctrine of an excessive issue of paper. When it was stated that prices of commodities were high, those commodities alone were adduced, which we were obliged to import, and pay for in gold. But those commodities were overlooked which were abundant and cheap, and which we were unable to export in order to recover gold and restore the exchanges. Gold was scarce, but paper was not therefore depreciated. But let me, since 1819, be furnished with any data whatever for shewing or estimating the supposed over issue and depreciation of our paper currency. If it be attempted to prove it by assertion merely, I might be content to meet it by a counter-assertion; but I will not rest my argument upon assertion only. I hold in my hand a return of the mint prices of gold bullion from 1827 to 1840. In 1827 it was 3*l.* 17*s.* 6*d.* per oz. In 1824 it was 3*l.* 17*s.* 10½*d.* and in 1829, 3*l.* 17*s.* 9*d.*; and for the remainder of the period included in the return it fluctuated only between the two last mentioned prices; except in 1839, during the withdrawal of the light gold from circulation, when it rose to 3*l.* 18*s.* It is clear then that there has been no material variation in the price of gold. A review of the prices of any of the most important articles of commerce concurrently with the variations in the amount of paper currency, since 1819, will also shew, that though prices have fluctuated they have fluctuated from causes connected clearly with the laws of supply and demand. The opinion that the variations in our currency have been such as to affect prices, may be attempted to be supported by an occasional coincidence in these variations, but these are far more generally explicable by the variations in supply and demand, than by a reference to the state of the currency. If then there be really no clear and direct proof of any depreciation of the paper currency since 1819, am I not justified in saying that the measure of the right hon. Baronet is not supported by evidence, and

that we are now required to consider it rather upon the authority of the right hon. Baronet, than upon any admitted facts? In adopting the measure of 1819 the House proceeded upon a tangible ground — a test was furnished, though a fallacious one,—for if we look at the mint and the market prices of gold, though we find they varied much in different years, we are yet without evidence to trace this difference to an over issue of paper. But in the present instance there is an absence of anything like an attempt to prove an excessive issue, or any depreciation of paper, according to the rule laid down in 1810 and in 1819. And I believe I may safely defy any one to shew that an over issue of convertible paper has ever alone been the cause of a high price of commodities, or that adverse state of our foreign exchanges which is so frequently and so gratuitously attributed to it. Considering the necessity for some such evidence in order to support the theory upon which the present plan rests, I was not surprised to find that a mind so powerful and so profoundly acquainted with the subject as that of Mr. Jones Loyd, seeing the want of some test of the alleged depreciation, had, in his evidence before the Committee on banks of issue in 1840, endeavoured to lay down a new rule by which the depreciation on the excessive issues of paper might be ascertained. Mr. Loyd's rule is this: "Wherever I find that the aggregate circulation of the country has not conformed to the fluctuations of the bullion, I then infer that the aggregate circulation has deviated in its value from the metallic circulation, to the extent indicated by the deviation in the amount." This is Mr. Jones Loyd's rule for ascertaining the supposed depreciation. Its precise terms render it worthy of a careful examination; I will, therefore, presently call the attention of the House to its application. But first, in reference to what has been asserted as to the influence of an over issue of paper currency upon prices, I wish to repeat, that I have nowhere met with any proof of that assertion; I have never seen, although I have diligently searched for something of the kind, any attempt to bring together in the relation of cause and effect, the over issue of convertible paper, and a high price of commodities. Neither the evidence before the Bullion Committee, nor that taken before the Committee on banks of issue, contain any statement of facts in proof of this assertion, nor do I believe that any reasonable evidence in support of it is to be found in any of the various publications which have appeared on the subject; certainly not in the valuable work of Mr. Tooke, (the History of Prices,) a careful perusal of which leads me to a very different conclusion. On the contrary, I have noticed that some of the ablest expositors of the new rule have, when pressed, shrunk from adducing facts in support of their views. I will endeavour to show to the House that the assumed influence of a convertible paper currency upon prices, is not only unsupported by facts, but it is directly negatived by them,—that when there have been great variations in the circulation, there have been no corresponding variations in prices; prices may have varied considerably, but they have varied without the slightest apparent connection with the state of the paper circulation. I cannot but think that those who bring forward and support a plan which recognises such an action of the currency as now established by law, should make some attempt to prove it correct, and I call upon those who maintain this to adduce facts in proof of the assertion, that an increase of Bank notes in circulation convertible at will do produce the alleged effect upon the prices of commodities. And yet, what is the evil that those who bring forward the present plan, propose to guard against? An excessive issue of paper, is the reply. And why is this assumed excess of paper an evil? Again the reply is, because it enhances the prices of commodities, and turns the exchanges against us. But I shall endeavour to shew that a convertible paper currency has not that influence upon prices which has been attributed to it. For this purpose I would call the attention of the House to a statement which I hold in my hand of the aggregate circulation of the Bank of England and the country banks of England and Wales, together with the amount of bullion in the Bank—the rate of discount, and the prices of fifteen of the principle articles of commerce during the ten years from 1834 to 1843. This statement is founded upon a table published in a pamphlet by Mr. Hubbard, but is considerably enlarged. I will now read it to the House:—

Date.	Circulation of the Bank of Englaud.	Circulation of Country Banks in England and Wales.	Total Bank of England and Country Circulation.	Bullion in the Bank.	Rate of Discount.	Of 15 Articles.		Excess of Notes over Bullion.
						Rose in price.	Fell in price.	
	£	£	£	£		—	—	Millions.
1834, March 1st.	18,930,000	10,248,000	29,178,000	9,104,000	2½			20.
1835, March 1st.	18,890,000	10,361,000	28,751,000	6,274,000	3½	7 Cotton, Silk	7 Wool, Sugar	22.4
1836, March 1st.	18,195,000	10,644,000	28,839,000	7,918,000	3½	11 Sugar, Cotton, Silk, Wool	3 —	20.9
1837, March 1st.	18,165,000	10,748,000	28,913,000	4,077,000	5	5 Silk	9 Wool, Cotton, Sugar	24.8
1838, March 1st.	18,975,000	10,938,000	29,913,000	10,471,000	2½	4 Sugar	11 Cotton, Wool, Silk	19.4
1839, Sept. 1st.	17,896,000	11,012,000	28,908,000	2,684,000	6	8 Cotton, Sugar	5 Silk, Wool	26.2
1840, June 1st.	16,703,000	10,521,000	27,224,000	4,571,000	4½	5 Sugar, Silk	9 Cotton, Wool	22.6
" Dec. 1st.	16,118,000	9,749,000	25,867,000	3,642,000	5½	7 Sugar, Wool	6 Silk	22.2
1841, Dec. 1st.	15,458,000	8,936,000	25,394,000	4,873,000	5	3 —	12 Silk, Wool, Sugar	20.5
1842, Dec. 1st.	18,822,000	8,087,000	26,909,000	10,603,000	2½	2 Silk	13 Cotton, Wool, Sugar	16.3
1843, June 1st.	18,965,000	7,367,000	26,332,000	11,566,000	2½	1 Sugar	14 Cotton, Wool, Silk	14.7

Let this table be examined—let the fluctuations in the circulation be compared with the variations in the prices of commodities, and it will be utterly out of the power of any one to shew any coincidence or dependence the one upon the other. If tables of this kind fail to satisfy hon. Members, who think that such weighty consequences are to be attributed to every change in the amount of the paper currency, I hope they will devise some more intelligible mode of ascertaining the truth and by further research, shew me some foundation for the principle so broadly laid down, that the prices of commodities are affected by the variations in our paper circulation, and that the effect of these variations has been such as to justify this measure. If they cannot do this, I submit the right hon. Baronet's present scheme is not sustained by evidence, and that it does not rest upon any adequate foundation derived from experience and proved by facts. I will now return to the rule laid down by Mr. Jones Loyd for ascertaining the depreciation of the paper currency. The rule itself is expressed apparently with all the clearness and force which is characteristic of Mr. Loyd's writings, yet when applied to practice, it is scarcely possible to believe that he foresaw its results. I will take the years 1834 and 1835, in order to shew its operation. I take those years because they were remarkably free from undue speculation, and also from any violent oscillation in the currency. Mr. Tooke, in his work on prices, describes the trade of the country as being in a healthy and progressively prosperous state, during the whole of the years 1834 and 1835. It also appears from the returns, that during the same period, the price of wheat fell, very gradually, and with but slight variations, from 49*s.* in January 1834, to 36*s.* in December 1835. These circumstances are all favourable to the trial of Mr. Loyd's rule, as subjecting it to the mildest test of which an appeal to actual circumstances will admit. On examining the returns of the state of the paper circulation during the years I have mentioned, I find no evidence of any fluctuation in its amount sufficient to indicate to any accurate observer the existence of anything unsound or unsafe in the currency; nor do I find that to trace any subsequent evil to fluctuations which occurred within this period, any attempt was made. But when I apply Mr. Loyd's rule, I find the variations it indicates in the value of the paper circulation to be very considerable, so considerable as to cast much doubt upon, if not utterly to destroy the value of the

rule for any useful purpose. It shews a great depreciation, greater even than has ever, at any period, occurred in this country, when in fact, there was no depreciation whatever. But with the permission of the House, I will state, as shortly as I can, the facts as they occurred within the period I have mentioned. In order to avoid the variations caused by the payment of the dividends, I will take the circulation in each quarter immediately previous to its expansion from that cause. On the 7th of January 1834, the circulation of the Bank of England was 17,422,000*l.*; that of the country banks in England and Wales (on the 4th of January) was 7,731,000*l.*, making the aggregate circulation 25,153,000*l.* The bullion then stood at 10,142,000*l.* The value of the paper therefore at that period was indicated under Mr. Loyd's rule, by a relation of bullion to paper, nearly equivalent to the relation of ten to twenty-five. On the 8th of April, 1834, the Bank of England circulation was 18,153,000*l.*; that of the country banks on the 5th April 8,503,000*l.* —total 26,656,000*l.* The bullion in the Bank amounted to 8,631,000*l.* Now had the aggregate circulation been reduced in conformity with the fall in the bullion, so as to preserve the same relative proportion to it, and consequeutly the same value according to the rule, as in January, it would have been reduced to about 21,400,000*l.* The difference (5,200,000*l.*) was an excess, which under Mr. Loyd's rule, would shew a variation in the value of the circulation of about 24 per cent. On the 8th of July 1834, the Bank of England circulation was 18,661,000*l.* that of the country banks, 7,873,000*l.* total 26,534,000*l.*, bullion 8,811,000*l.* To have preserved the relative proportion of January it should not have exceeded 21,800,000*l.*; the deviation being about 4,700,000*l.*, or about 21 per cent. The variations increase considerably at the subsequent quarterly periods; but of the remaining six included within the period I have taken, it may be sufficient to trouble the House with two, which do not materially differ in their results from the rest. On the 7th of April 1835, the Bank of England circulation was 18,092,000*l.*; that of the country banks, 8,855,000*l.*; aggregate 26,947,000*l.* The bullion was 6,205,000*l.* Had the circulation on this conformed to the fluctuations in the bullion, it would have been about 15,400,000*l.* The excess (11,500,000*l.*), should have been accompanied by a variation in the value of the circulation (as compared with that of January 1834) of about 74 per cent. Again, on the 6th of October 1835, the Bank of England circulation was 17,111,000*l.*, that of the country banks, 9,097,000*l.* making the aggregate, 26,208,000*l.* The bullion amounted to 6,177,000*l.* By the standard of January 1834, the aggregate circulation should have been about 15,100,000*l.*, the excess indicating a variation in its value of about 73 per cent. I am aware it may be objected that these results afford in themselves sufficient evidence that the terms in which Mr. Loyd gave expression to his rule did not correctly express his meaning; but that in using the term bullion, he probably meant to signify the basis of the circulation as represented by bullion and securities which are convertible into bullion at need. But even allowing this objection, and modifying the terms of Mr. Loyd's rule by importing into it a direct reference to the plan now proposed, it is obvious that the results of applying the rule, even so modified, are quite inconsistent with the facts. The calculation I have already given of the variation in April 1835, instead of exhibiting a variation of 74 per cent. would still shew one of 28 per cent. And I would ask—is it possible? can it be supposed, for one moment, that any such variation in the value of our paper currency did really take place? The great weight generally attached to the opinions of Mr. Loyd upon this subject must be my apology for so long detaining the House upon these details—but I think it must be admitted that this rule affords no additional evidence in support of the views of the right hon. Baronet. From the constant reference made to the value of a metallic circulation, and the propriety of making our paper circulation conform to its standard as nearly as possible, the right hon. Baronet and those who think with him, would appear to suppose, that with a circulation purely metallic, we should be safe from any depreciation of our currency, as we should no longer be liable to the fluctuations now to be guarded against. But how is that opinion borne out by the evidence of Mr. Jones Loyd himself? I find that on the 17th of July 1840, in answer to the question No. 2675, he says—

"It is perfectly possible that credit, and the

consequences which sometimes result from credit, viz. over-banking in all its forms, and the over-issue of Bills of Exchange, which is one important form of over-banking, may arise with a purely metallic currency."

But the plan of the right hon. Baronet has for its object the making our paper circulation fluctuate as nearly as possible in the same manner as a metallic circulation would fluctuate. This, supposing it could be accomplished, would still leave the causes of speculation and overtrading described by Mr. Loyd untouched, and would afford no security against commercial crises. A purely metallic currency we cannot have, and if we could, I for one should not desire it. Let it be remembered that a mixed form of currency has considerable advantages. With it, a portion of the ordinary circulating medium may be withdrawn for a time, and sent to foreign countries to meet a temporary demand for gold, without pressing unduly on the money market. Mr. Ricardo, in reference to this point, observed:—

"Whenever merchants have a want of confidence in each other, which disinclines them to deal on credit, or to accept in payment each other's cheques, notes, or bills, more money is in demand; and the advantage of a paper circulation, when established on correct principles is, that this additional quantity can be presently supplied without occasioning any variation in the value of the whole currency, either as compared with bullion or with any other commodity; whereas, with a system of metallic currency, this additional quantity cannot be so readily supplied."

But the plan of the right hon. Baronet would tend to make money more scarce at such a period, and to prevent any such addition, however urgent the necessity for it. So that whilst it will afford no additional safeguard whatever against over-speculation, revulsions, and commercial distress, it will take away the only means by which such calamities are mitigated, if not prevented. Reference has been made to periods at which great drains of bullion have taken place, and when the Bank has failed to act with that promptitude and decision which was in her power, and which might have the effect of stopping such drains at an earlier stage; and it is said that it is necessary to surround the principle of convertibility with fresh safeguards in order to prevent a recurrence of these events. But here I have to repeat that no proof whatever has been given that the evils alluded to sprang from over-issues of paper. As to the mode in which the Bank has thought fit to act on such occasions, I am not prepared to say that the Bank of England has never been guilty of indiscretion, but this I do say, that no man who considers the whole tenor of its conduct, especially in its relation to the Government of this country, and frequently under the most trying circumstances, can doubt that, upon the whole, that great establishment has discharged its duty to the public with integrity and ability. The restrictions, however, now proposed to be placed upon the Bank, must entirely fail of their object, unless the evils to be prevented have arisen from the conduct of the Bank, and this has clearly not been proved. The Bank has had lessons of costly experience, and the result will necessarily produce an improvement in her mode of action; but the present interference is intended to control causes over which we have no control, and which, if even we had the power, it may be doubted whether it would be wise to exercise it. In support of the view I am taking, I will refer to France, where there is a circulation almost wholly metallic. That country has been subjected to overtrading and its consequences, commercial pressure and distress, to an extent, within the last ten years, quite as great as we have suffered in this country. It was only in 1840 that the charter of the Bank of France was renewed, and in the course of the discussion which preceded its renewal, M. Thiers remarked that the Bank of France was the most solid and best conducted establishment that ever existed. Yet, notwithstanding that in France they have, as nearly as possible, a metallic currency, and no notes under 20*l.*, and the bullion in the coffers of the Bank usually exceeds the amount of notes out, the crisis of 1837 and that of 1839, were felt there as well as in this country, and in the latter case with still greater severity, as is apparent from the increase in the number of bankruptcies in the two countries:—

	England.	Paris.
1835	959	318
1836	890	405
1837	1462	541
1838	956	437
1839	930	1003

It is clear, therefore, that it is not to the controlling power of a bank of issue, or to any other artificial restriction, that

we must look for security against commercial convulsions,—but to the progressive wisdom of the commercial world, gathered as it must be from its own eventful experience. It is to this, and to this only, that we can look for commercial safety in a country possessing the spirit of enterprise, the energy and the widely-extended commerce of England. Independently of the reference to the drains of bullion which have taken place in this country, allusion has been made to the American system of banking, and its attendant evils, as affording abundant evidence of the danger of a free competition in the issue of Bank paper. But it is impossible to establish any analogy between the banking system of America and that of this country. Not only were notes issued there for very small amounts, but in some cases the State Legislatures had interfered, and suspended cash payments. The jobbing and speculation of banks, was shared and fostered by the jobbing and speculation of State Legislatures. And this was so far sanctioned by public opinion, that it was a general practice to resist the conversion of paper, and to expose to public odium the man who attempted it. But how can a system such as this be compared to that in operation in this country? We have no notes under *5l.*, and those we have, since 1819, are convertible; but in America they were low enough in amount to enter into the smallest transactions; dollar and half-dollar notes were in circulation, and took the place of coin in the purchase of every description of article. A large portion of our paper, moreover, is of a purely banking character, and frequently returns to the banker without passing into general circulation at all. It is the mere vehicle of credit. If we had notes for such sums as *5s.* we might reasonably apprehend danger to its convertibility. [Sir *R. Peel*: Convertibility, then, is not a security against excess.] The right hon. Gentleman says convertibility is not a security against excess—but I repeat that in America the circumstances were peculiar, and were not such as have existed, or are likely to exist, in this country. Both the banks and the public were adverse to payment in specie. They were mad with speculation. They overlooked alike morality and honesty; and actually by a common consent, for purely trading and speculative ends, suspended cash payments. There was a widely circulated and small paper currency taking the place of specie, and a gambling connection between the State Legislatures and the banks. Mr. Gallatin fully confirms this statement, in proof of which I may quote from the Appendix to his work a passage from the Report of Delegates appointed to represent the banks of the city of New York in the General Bank Convention in November, 1837:—

"It is but too well known, that a general suspension of specie payments by the banks is not confined to them alone, but extends instantaneously to the whole community. As they had substituted their paper for the metallic currency, and as even the portion of specie which still circulated, disappears at once, when the general bank suspension takes place, the depreciated bank paper currency alone remains, both as the only medium of payment, and, by a necessary consequence, as the practical standard of value. Thus, by a strange anomaly, whilst the courts of law can consider nothing but gold or silver as the legal payment of debts, every individual, without exception, who is not compelled by process of law, and who does not resort to the tribunals for redress, pays all his debts with, and receives nothing in payment but an irredeemable, depreciated currency. A general usage, openly at war with law, usurps its place; and the few cases where the laws are enforced, are only exceptions to the universal practice. Instead of the permanent and uniform standard of value provided by the constitution, and by which all contracts are intended to be regulated, we have at once fifty different and fluctuating standards, agreeing only in one respect, that of impairing the sanctity of contracts. Even restrictive and general laws are openly and daily violated with impunity, by everybody, in circulating notes forbidden by law. It is impossible that such a state of things should not gradually demoralise the whole community; that a general relaxation in the punctual and honourable fulfilment of obligations and contracts should not take place; that that which operates as a general relief law, should not be attended with the same baneful effects which have always attended positive laws of the same character; and that, if the present illegal system be much longer continued, the commercial credit and prosperity of the country, and more particularly of this city, should not be deeply and permanently injured."

At a subsequent period the small paper currency was abolished, the banks resumed payment in specie, and under a system improved simply by requiring and enforcing convertibility by law the currency was restored. In fact they had only to introduce and enforce the principle of our Bill of 1819, and their currency

was brought back to its proper standard. And here I may quote the words of Mr. Gallatin; he says:—

"It cannot be denied that the banking system of the state of New York, since it has been subject to these regulations, has proved superior to most, and inferior to none, of the plans adopted in the other states. The banks, though they did suspend, were the first to resume and have ever since maintained specie payments. Since the year 1830, only two banks, subject to the regulations, have been dissolved. One of these, having a capital of 100,000 dollars, was, for some irregularity, dissolved by act of the Legislature. It paid all its debts, and the whole of its capital to the stockholders. The other (the City Bank of Buffalo) was dissolved by process of law; and its entire capital of 400,000 dollars is sunk. During the same period of ten years, and under a regimen, till lately much less severe, not less than nine banks in Boston, with a capital of 3,600,000 dollars have failed, or been dissolved; but in five of those cases, the creditors suffered no ultimate loss.

"The provisions which define and limit the legitimate operations of the banks, as well as those which ensure the actual payment of the capital, or are intended to preserve it entire, have proved efficient, and do not seem to require any alteration. It has been often suggested, and instances have been adduced to prove, that provisions for insuring the actual payment of capital might be evaded. The instances adduced have occurred when the provisions were inadequate. None has taken place amongst the New York banks, subject to the present system."

In my endeavours to follow the right hon. Baronet in his observations upon the mismanagement of the issues of the country banks I have found some difficulty, which I have reason to believe has arisen from the right hon. Gentleman having used averages in stating the amounts of the circulation and the bullion instead of the actual items furnished by the returns before us. However, whatever may be the fairness or the weight of the charges brought forward against the country banks, I am of opinion that under the operation of the proposed plan, the limit to be put upon the amount of promissory notes of banks of issue will tend rather to increase than to diminish the amount of paper credit in use—that bills of exchange for small amounts will take the place of such promissory notes, and that thus we shall only exchange the present for a less secure form of paper currency. It is charged against the country bankers, that they disregard the state of the foreign exchanges, and thus frequently extend their issues at a time when they should restrict them. But it must not be overlooked that the periodical expansions of the country circulation are not entirely under the control of the country bankers; and it is not to be denied that they generally have regard to the state of the money market, and govern their issues accordingly. It is true that their issues are sometimes larger than at others; but I am not prepared to admit that this is necessarily an evil, or that it has any tendency to foster injurious speculation, or to raise prices. The right hon. Baronet has stated that they pay no attention to the state of the exchanges; but if they govern themselves by the state of the money market, which is itself governed by the exchanges, it cannot be said that they are entirely regardless of the state of the exchanges. Some remarkable evidence, bearing upon this part of the subject, was given before the Committee of 1841, and perhaps I might fairly claim the vote of the right hon. Gentleman the Secretary of State for the Home Department, on the score of the opinions he clearly holds, as shewn by the course of his examination of the witnesses on that occasion. The right hon. Baronet took a prominent part in the examination of some of the country bankers, and it was obvious that he was at that time decidedly adverse to any reduction of the circulation of the country Banks. I will read to the House a portion of the examination of Mr. Rodwell on the 16th March, 1841:—

"863. Sir James Graham.—Small bills of exchange, the circulation in your neighbourhood being full, are almost unknown at present?—They are.

"864. If a limitation were put upon the circulation of local paper payable to bearer, have you a strong opinion that any legislative power whatever could prevent the circulation of credit in some other shape, such as small bills of exchange?—I think that no legislative interference could, by any possibility, prevent it in a much more objectionable form than it is now.

"865. Therefore it does not follow that if local credit ceases to circulate to its present extent, further capital must be introduced into the neighbourhood; it would be quite possible that credit in another shape should circulate, and fill up the vacuum caused by the withdrawal of the notes?—Undoubtedly."

Can anything be more obvious than the interference to be drawn from such

questions as these? Is it possible to doubt that the right hon. Gentleman saw most clearly the evil consequences which every practical man, acquainted with the subject, anticipates from that portion of the present plan which restricts within a fixed amount the issues of the country bankers? But this is not the only instance. I will quote one or two other examples of the difference of opinion upon this point between the right hon. Gentleman and the right hon. Baronet the First Lord of the Treasury. I again quote from the evidence of Mr. Rodwell:—

"888. SIR JAMES GRAHAM:—You have stated that a vacuum being created, forcibly, by a diminution or withdrawal of local notes payable to bearer, the country bankers would not be the issuers of the small bills of exchange, but that their customers, from credits ceasing to circulate, would become the drawers and acceptors of those bills; would not the effect of that be, that the issuers of credit paper would be a much larger body than the present issuers, and not so responsible a body?—Certainly, it would be a transaction between man and man.

"889. So far then from diminishing any evil arising from the present system of credit, it would greatly aggravate that evil?—Yes."

These interrogatories shew, beyond a doubt, what were the opinions of the right hon. Gentleman, in reference to a very important part of the right hon. Baronet's plan. I find also, in the same evidence, an opinion of Mr. Gilbart upon the same point. He says,

"I think the effect of that forced reduction would be, that you would have a bill circulation instead of a note circulation; for supposing the trade of the country to remain the same, the people would require some circulation or other; and it would be the interest of the bankers to supply a bill circulation, instead of a note circulation, if they were restricted by authority from increasing their notes beyond a certain amount."

So far as my acquaintance with the subject extends, and from the result of the communications I have had with country bankers, I entirely concur in those opinions. I have not the slightest hesitation in declaring, that in my opinion, if the notes of the country banks are limited to the amount proposed, the result will be, to introduce as a substitute for the bank notes suppressed, a currency of small bills of exchange. The ordinary operations of commerce, in which these notes are now used, will still be carried on—and if the usual medium of exchange is withdrawn—if bankers are not permitted to afford the required facilities in their present shape—some other form of accommodation will inevitably take its place. At present, the paper circulation, consisting of the notes of established and responsible banks, is under some control, and is based upon the credit and property of the issuer, but the paper credit, which will, under the system proposed, be forced into existence, will be of a less trustworthy character, without the name and credit of the banker, and beyond the control of the State. The right hon. Baronet at the head of the Government, has laid down some very broad principles, and has anticipated the future. Though he does not at present touch the paper circulation of Scotland, or of Ireland, he has pointed very significantly to what he intends hereafter. It is obvious that the right hon. Gentleman, in his view of future legislation, anticipates the establishment of a single bank of issue. But here, again, I may quote against him the opinions of his right hon. Colleague, the Secretary of State for the Home Department. The passage I quote is from the examination of Mr. Rodwell by the right hon. Baronet.

"809. If you could contemplate the difficulties and the detail [of establishing a single bank of issue] overcome, and such a measure forced by legislative enactment, would it be a great wrench to the system on which the whole of the affairs of country bankers are conducted?—It would be an entire sacrifice of the present system.

"810. Do you think it would be a great shock to credit?—I think its proposal would be a great shock to credit, and I think the period of transition, from one system to another would be a period of inappreciable difficulty and danger in all monetary transactions.

"811. Affecting both bankers and their customers generally?—Affecting bankers and their customers; it would be attended with as great distress and difficulty in the unsettling of all arrangements and contracts as any measure that the Legislature could suggest.

"812 You give that as the result of your experience, coupled with reflection upon that plan?—I do."

And again, immediately afterwards:—

"825. In times of political excitement, the credit of the country banker remaining unshaken, the local circulation is not affected?—No.

"826 It remains perfectly undisturbed?—Yes.

"827. You have great apprehension, that

if there were only one bank of issue, and that in close connexion with the Government, the circulation would be very much disturbed?—I am sure it would; assuming that this Government paper is, as I assume it certainly would be, convertible into gold, there would be a great disturbance of it, to the extent of political influence and political partizanship."

It is impossible, after reading this examination, to doubt what the opinions of the right hon. Gentleman are upon this part of the scheme—or that they are entirely at variance with those of the right hon. Baronet at the head of the Government. In an able speech of the hon. Member for Shrewsbury, he told us that it was the duty, and the proud distinction of a great statesman, to triumph over all difficulties in the accomplishment of great objects, to suffer nothing to stand between him and the attainment of objects which a course of duty pointed out; and I think I may here fairly congratulate the right hon. Gentleman upon having overcome one of the greatest of difficulties—one so often found utterly insurmountable—in having surmounted even all his own cherished opinions upon commerce and banking, and upon his resignation, without reserve, to the judgment and experience of his right hon. Colleague, the First Lord of the Treasury. I will now, before drawing my observations to a close, say a few words on what I conceive will be the practical operation of this measure. For this purpose it will be necessary to refer to some of its details. And here I would beg leave again to repeat, that it is not to the principle upon which the plan rests—to the principle of immediate convertibility—that I object, but to this particular application of it. In opposing the present plan, I am happy to feel that I have the concurrence of a very weighty authority—that of Mr. Tooke, than whom no man would more rigidly adhere to the principle of a metallic currency, as established by the immediate convertibility of paper into specie, under the Act of 1819. My objection is, shortly, to any further interference, of the nature and character of that proposed. I think no case has been made out to justify it. No tangible proof, whatever, has been adduced, of an excess of issues, or of a depreciation of the paper circulation; nor has any injurious result been traced to the operation of the present system which can be shewn to be within the reach of legislation or which may not be more safely left to be corrected by the results of increased intelligence and experience. At the same time I cannot doubt, that while the proposed restrictions are unnecessary, they will be productive of evils greater than those sought to be remedied—that in the attempt to secure ourselves against occasions of commercial pressure, we shall only aggravate their evils when they do, as they will, occur. My hon. Friend (Mr. C. Wood) who has spoken in favour of the measnre, must allow me to say, that he has fallen I think into some errors in his anticipations of what may be its practical effects. He has called the attention of the House to the crisis of 1839, and has referred to the published accounts of the Bank for the purpose of shewing that the Bank has the power, even while diminishing her circulation, of greatly increasing her accommodation to the public. But there cannot be anything more fallacious than such an inference from the accounts referred to by my hon. Friend. It is true that the amount of "bills discounted" was increased between April and December of that year from 3,400,000*l.* to 8,500,000*l.*—but this is no proof, as my hon. Friend has stated it, of an increase to that amount of the actual accommodation to the public. The fact was, that the apparent increase arose chiefly from one of the ordinary measures of the Bank at such periods, that of refusing advances upon any other security than Bills of Exchange. The result, in that instance, was the transfer of about 2,000,000*l.*, from the advances on other private securities to those made on Bills of Exchange. Concurrently with this, there happened to be a withdrawal of about 4,400,000*l.* from public securities, and the result was, that the Bank was enabled in that instance to increase the advances on Bills of Exchange, at the same time that she also reduced her circulation. It was not, as supposed by my hon. Friend, a development of any extraordinary resources of the Bank, but merely the result of a favourable concurrence of circumstances. If it be supposed, that under the plan now proposed, the Bank will be enabled, as she has hitherto done, to use any such discretion in meeting a sudden commercial pressure, it is a great error. By adopting the present plan, we may obtain a fancied additional security for the maintenance of our currency on a par with the value of gold—we may make an effort to check

speculation—over which we have no control — but whenever serious commercial pressure shall occur, and the proposed system is enforced, the reaction upon public credit will be violent and unmitigated—and whoever has been accustomed to watch the proceedings of the Bank of England, and of the London bankers, at such times, will readily anticipate that what we saw in 1825 or 1839, will be trifling in comparison with what may then take place. I am aware that it is extremely difficult in discussion to deal with details involving a constant reference to figures, but the experience we have derived from former occasions of difficulty, enables us to state with tolerable clearness the course through which the Bank, on the occurrence of a drain of bullion, must be forced by a rigid adherence to the plan of the right hon. Baronet. It will compel an immediate pressure upon securities, as the only means of reducing the circulation. Now the pressure upon securities must, as soon as it affects the circulation in the hands of the public, produce a corresponding pressure upon deposits. This is strikingly illustrated throughout the whole course of the Bank's operations during the last twelve years—but particularly by the operations of 1833, 1834, and 1835. I have selected these years as free from many causes of variation, which more or less affected the currency in other years; and I find the following changes to have taken place simultaneously at the quarterly periods, when the Bank circulation is at its minimum :—

Circulation at a Minimum.	Bullion.	Securities.	Deposits.	Circulation.	Price of Wheat.
	Bank Rate of Interest, 3 *per Cent.*				
1833.	£.	£.	£.	£.	*s.* *d.*
Jan. 1st.	10,026,000	21,947,000	12,725,000	17,076,000	52 6
March 19th..	10,160,000	21,956,000	11,230,000	18,664,000	52 10
June 11th. ..	11,116,000	21,318,000	11,707,000	18,494,000	52 9
Sept. 24th. ..	10,821,000	21,755,000	11,826,000	18,837,000	53 0
Dec. 3rd.....	9,961,000	22,467,000	12,414,000	17,812,000	49 8
1834.					
March 11th ..	8,907,000	24,623,000	12,576,000	18,580,000	47 8
June 10th. ..	8,879,000	26,317,000	14,426,000	18,478,000	47 10
	21st. Aug.—Bank Rate of Interest 3½ *per Cent.*				
Sept. 23rd. ..	6,986,000	26,241,000	12,516,000	18,186,000	43 7
Dec. 2nd. ..	6,860,000	24,115,000	10,913,000	17,691,000	41 11
	4th. Dec.—Bank Rate of Interest 4 *per Cent.*				
1835.					
March 24th..	6,327,000	23,715,000	9,562,000	17,698,000	40 0
June 9th.....	6,416,000	24,450,000	10,431,000	17,792,000	40 1
	5th. August.—Bank Rate of Interest 3½ *per Cent.*				
Sept. 22nd...	6,297,000	27,123,000	13,419,000	17,318,000	37 7
Dec. 15th. ..	7,588,000	31,643,000	20,008,000	16,637,000	36 6

It is obvious, therefore, that in reducing the circulation, the Bank must throw the pressure upon deposits; and this would, as the pressure proceeded, be gradually extended to the deposits of all the banks in the country, wherever the pressure was felt. The Bank must not only diminish her advances, but would be forced to realise securities in order to make good her reserve against the deposits. Take the drain of 1839 as an instance of this. Between the 1st of January and the 3rd of September in that year, bullion was reduced by a continuous drain from 9,048,000*l.* to 2,406,000*l.* — a fall of 6,642,000*l.* in eight months. The Bank, in the interim, adopted the only remedy in her power, though not to the extent to

which she might have applied it—and raised the rate of interest gradually from 3½ to 5½ per cent. producing a considerable pressure upon the money-market. Yet the circulation was not at all diminished. On the 1st of January it was 17,529,000*l.* and on the 3rd of September 17,896,000*l.* Now, I will assume that the Bank had, from the 1st of January 1839, acted strictly under the proposed plan; and by raising her rate of interest had reduced her securities (as the only medium open to her for acting on the circulation) exactly as the bullion fell, and that, from the first, she threw one-fourth of the weight of the drain upon the actual circulation, and gradually reduced it to that extent, and that only two-thirds of the amount withdrawn from securities was made good out of deposits. The highest amount reached by the private deposits during the period I have taken was 6,171,000*l.* and we may estimate the available reserve at 2,000,000*l.* Applying the restrictions of the proposed plan, it follows that the Bank must, by the 26th of March 1839, have so raised her rate of interest as to have withdrawn from the actual circulation about 800,000*l.* —to have reduced her securities by 3,500,000*l.* and to have brought her private deposite down to little more than a million. What the rise in the rate of interest must have been, which, in three short months, would have produced such an effect, I will leave to be estimated by hon. Members, who are acquainted with the operations of the English money-market. And let it not be forgotten that at this time a demand for nearly 4,000,000*l.* of bullion would still have been unsatisfied. And let me ask the right hon. Baroner whether under such circumstances he will leave the banking department any other course than to close its doors, and leave the remainder of the struggle to be decided between individual money-lenders and the mercantile world? Such will be the price at which we must purchase the advantages offered by the scheme of the right hon. Baronet. Am I not then justified in asking for some evidence of the necessity for such a measure, some proof of the advantages, if there be any, to be expected from its adoption? And let it be remembered also, from what the great drains, which have been so frequently alluded to, mainly had their origin. Have they not usually been at least aided and aggravated by the necessity of paying in gold for large and sudden imports of foreign corn? The right hon. Baronet has distinguished himself as an advocate and supporter of the Corn Laws. But if we are to have so strict—so rigid a system of circulation—if we are not to have those occasional expansions of the circulating medium which the right hon. Baronet thinks are so exclusively connected with excessive trading—if every such occasion is to bring with it a sudden and ruinous revulsion; with what justice can he maintain laws which are generally admitted to be one great cause of the disturbance of the currency of this country. If that which is so fertile a cause in creating and exacerbating commercial distress be retained in conjunction with the present scheme, I can only hope that it will serve to strengthen the opposition to those laws, and render it impossible that they can be maintained. It is for the country Gentlemen opposite to consider this, and ask themselves whether they can afford to weaken still further the ground on which those laws are upheld. If the Government is determined to have this new plan of banking—and to place the currency under these new restrictions, why not say at once, "We wish to put the banking system of the country upon a sounder footing. There is one great cause of disturbance, and we will begin by removing that." Another feature of the right hon. Baronet's scheme, and to which I have already had occasion to allude, is its tendency to the establishment of a single Bank of issue, to which I conceive there are insuperable objections. Anything that tends to connect the state with banking has always been productive of disastrous consequences. If we permit banking to become mixed up with party politics, we shall have all the evils which resulted from such a course in America—evils which we have hitherto escaped altogether. No man now thinks of asking whether a bank director is a Whig or Tory; but this will cease to be so if the right hon. Baronet should succeed in his project of a single bank of issue. Any such bank must be ruled by the Government of the day, seeing how extensive would be its influence and operations, and that would inevitably tend to the introduction of party politics in its management, a state of things which could not fail to be highly injurious to the commercial interests of the country. I wish, therefore, to be un-

derstood emphatically to protest beforehand against the establishment of a single bank of issue. The right hon. Baronet appears to think that I am chargeable with inconsistency in professing my adherence to the principle of the Act of 1819, and at the same time objecting to his plan for more strictly enforcing that principle. But I cannot think that I am liable to any such charge. I have distinctly avowed and repeated my concurrence in the opinions of those who deem immediate convertibility essential to the preservation of a paper currency; but I see no ground for the additional safeguards to convertibility now proposed. I have already supported my views by reference to authorities of acknowledged eminence; but in favour of the combination of self-control with convertibility, I cannot refer to a higher authority than the right hon. Baronet himself. In 1819 he said, "That the excess of commercial speculations which led to such evils was the consequence of an overissue of paper currency, was a fact not to be disputed. A check upon that issue was the only cure that could be applied; and it must be applied by the establishment of a metallic standard of value." And again, in the course of his speech on introducing the present measure, "If gold coin be in any country the common medium of exchange; or if promissory notes, which perform in part the functions of gold coin, are at all times, and under all circumstances, of equal value with gold, and are instantly convertible into gold; there are causes in operation, which, without any interference on our part, will confine within known and just limits, the extent to which gold can be exported." Relying then upon the authority of the right hon. Baronet himself, I believe the proposed measure to be unnecessary. I believe I am also supported in that opinion by a large number of the London bankers, as, if report speak truly, no fewer than thirty of them have addressed the right hon. Baronet, pointing out objections to an essential portion of his measure. I believe I am right also in stating that the country bankers look upon the plan with great apprehension, and have very strong objections to that portion of it immediately applicable to themselves, as well as to the general principles propounded by the Government as to the course of future legislation. Upon all these grounds which I have endeavoured to state to the House as succinctly as the nature of the subject would admit—upon the broad ground that no case has been established which can justify the proposed interference—for that the issues of the Bank of England and the country banks have been the causes of these calamitous periods of overtrading and commercial convulsion is unsupported by any clear and decisive evidence—and finally, that the proposed plan must, in its operation, produce evils of its own, greater even than those it is proposed to prevent—I object to the further progress of this Bill. I believe that the derangements in our monetary and commercial system, which have been so frequently alluded to as furnishing occasion for this measure, have arisen from many causes, and are not confined to one, the chief of which are beyond the reach of legislation,—and that it is not therefore by operating upon one of these causes, if even it were proved to be one, that we can hope to rectify the evils in question. These are the grounds upon which I have ventured to bring forward the present Motion—and I shall now, therefore, beg leave to conclude by moving, in the words of the notice I have given, "That no sufficient evidence has been laid before this House to justify the proposed interference with banks of issue in the management of their circulation."

Mr. *Hastie* seconded the Amendment. He had never heard in that House a speech more full of truth and correct observation as to what had occurred, and what must occur, if this measure were carried. He entirely concurred in the principle that all promissory notes payable to the bearer ought to be instantly convertible, and with that compulsion upon all banks, he thought there was no necessity for interference to prevent over issue. If this plan were to come suddenly into operation, after a period of increased prices, the ruin which it would bring upon the whole country would be a thousand times greater than in 1825 or 1839. Let it then be supposed that there were 14,000,000*l.* in securities, and 8,000,000*l.* in bullion, and that there were in this country an occurrence similar to that of 1839, that in the course of nine months there were 7,000,000*l.* in bullion taken out of the country, what then would be the effect of the proposed law? There would be such an utter collapse in so short a period, that it must be

plain to every man of experience that no bank in London could stand it; no merchant in London could stand it. The banks then must become so fearful, and there would be such a distrust amongst all foreigners, that bullion should be transmitted, though it cost 12 per cent. There had been various convulsions in trade experienced since 1825, that in any plan that was laid before them, the causes of these panics, which had been ruinous to so many, ought to have been fully explained to them. However, that had not been done, and the right hon. Baronet, in adopting his scheme, had never told them how it was to affect those evils that had been formerly experienced, nor how it was to meet such causes as led to panics upon former occasions. It would have been a great satisfaction to them if the right hon. Baronet had done this when he called upon them to consider his measure. This, he again observed, had not been done by the right hon. Baronet, and he must say that he saw in his plan more elements for future panics, and more elements for future distress, than in that system that he now sought to destroy. This subject was intimately connected with their system for regulating the importations of foreign corn. If they went back to the years 1834, 1835, and 1836, they found no importation of corn; but when the dearth arose in 1839, then they had an enormous exportation of bullion to purchase foreign corn. That demand must arise again, and if it did so, and with the proposed plan in operation, it must have the most baneful effects.

The *Chancellor of the Exchequer* was certainly not prepared by the notice of the hon. Gentleman opposite, for the speech which the hon. Gentleman had made to the House; for, as he understood the speech, it was not an objection to any particular detail of the plan submitted to the House; but it was an objection fatal to the whole plan itself, and would require, if the hon. Gentleman were consistent in his opposition, to propose that this Bill be read a second time that day six months. The effect of the hon. Gentleman's Motion, if not to reject the Bill before the House, was to throw suspicion upon it when it should pass; and to operate to its prejudice. He thought that the manly course of proceeding in the hon. Gentleman, would have been to have called upon the House, notwithstanding it had agreed to the resolution upon which the Bill was founded, to have rejected it altogether. The hon. Gentleman, it seemed, however, approved of the principle, although he objected to that plan by which it was proposed to carry it into effect. The hon. Gentleman agreed with the principles laid down by the Bullion Committee; but then he did not agree with them in their opinions respecting prices. He referred to the price of sugar, at the time the Bullion Committee made its report, for the purpose of showing that the Paper circulation at that time was not in excess. Let them, he said, see what was the price of sugar at that time. But he never considered the special circumstances which affected the price of that particular article. In consequence of the naval predominance of England at that very time, all the sugar of the world was collected in this country. The price here was low, while on the Continent it was excessive. To show this, he need but refer to the fact, that at the time the English army entered into France, the cry of the people was, "The English and cheap sugar!" The hon. Gentleman had declared that an inconvertible Paper Currency, when limited, did not necessarily raise the price of articles. Admitting that to be correct, still the objection to such a Paper currency was, that there was an invariable tendency in it to increase and by a dangerous redundancy, to affect the prices of different articles. It was true at the time that the suspension of the Bank took place, there was not at first a perceptible rise in prices; it came gradually on; but at length the value of gold, from the redundancy of the paper circulation, rose in price; so that, instead of its being 3*l.* 17*s.* 10*d.* per ounce, it was at last above 5*l.* The hon. Gentleman next proceeded to observe, upon the measure of his right hon. Friend in 1819. The hon. Gentleman also entirely approved of the principle of that measure. The hon. Gentleman thought it right that paper should be convertible on demand into gold; but, nevertheless, he was prepared to maintain that that convertibility being declared by law, the thing should be left to its own operation, and that we were not to profit by our subsequent experience. It would appear as if the hon. Gentleman had forgotten all the transactions that had occurred since 1819, and how numerous

were the difficulties to contend against in maintaining that convertibility. In 1825, it was stated by Mr. Huskisson in that House, that the country had nearly been reduced to a state of barter. Had the hon. Gentleman forgotten the misfortunes that had occurred in 1839? (by what mismanagement of the Paper Currency he did not now inquire); but when the Bank of England bullion was so reduced, that but for foreign assistance, it was doubtful whether its notes could have been paid in gold. If they then preserved convertibility, it was only by recurrence to measures of an extraordinary character, and by pressing severely upon various interests in this country. Were they not, then, bound to consider whether, they could not devise measures to prevent the recurrence of similar misfortunes? Then, as to the measure submitted to the House; the hon. Gentleman said, he had no objection to the principle, but to the details; that they had taken no evidence on this subject, and the seconder of the Motion agreed with him in thinking so. Both stated that there had been no information as to the nature of the evils with which they were going to deal, nor how this measure was calculated to avert them. Why, what had the House been doing for two years? Was it not inquiring into the operation of the banks of issue? In the evidence that they had taken upon this subject, the fullest means for judging that ever were given to a Parliament was before them, and to those who could not be instructed by such a body of evidence, he must despair of ever being able to convey information. The measure of his right hon. Friend was based upon the information that had been derived from that Committee, and it had consequently met with the concurrence of those who had attended to the Committee, who had heard all the objections that could be urged against it, and had heard all the advantages that might be expected from it. It would, he admitted, be vain to expect from this, or from any other measure like it, that it could secure at all times an uniformity of prices throughout the country. They must have fluctuations in prices from time to time; they would take place with an entirely metallic currency; the currency would also fluctuate; the deficiency would be supplied by gold flowing into the country, and excess would be guarded against by gold flowing out. For the purposes of convenience and economy, a certain amount of paper was necessary, and what was to be desired was, that with that paper the currency of the country should still be established on a solid footing. The principle of this measure was, to make the currency, consisting of a certain proportion of paper and gold, fluctuate precisely as if the currency were entirely metallic; to make it gradually conform itself to the prices of articles, and to take care that the fluctuation should be gradual, and that the prices should never rise or fall so suddenly as to involve individuals in ruin, or to cast into danger the most important interests of the country. That, then, was the principle which the hon. Gentleman in his speech objected to, though, in his Motion, he did not put himself in direct opposition to it. The hon. Gentleman had told them that the rise and the fall in price had nothing to do with the expansion of the currency, and he had endeavoured to prove that position by a reference to the prices of articles. The hon. Gentlemen had taken the prices of fifteen articles at a particular period, when there was a contraction of the currency, and showed that three of these had not been affected by that contraction. When so many and such different circumstances affected the prices of articles, he should be surprised if, amongst so many articles, a few had not escaped from that which generally affected others. Then, the hon. Gentleman said, that commercial distress was not to be imputed to changes in the circulation of the currency. He did not deny the fact that a number of causes must operate to produce great commercial distress. All he contended for was this—that a principal cause of distress was the undue extension of the currency when it ought to be contracted, and it was no answer to him to say, that when he had removed one cause, others might still remain. But how did the hon. Gentleman prove his case? By that which he thought ought to be fatal to the principle for which the hon. Gentleman contended, by referring to the state of the banks in the United States. In that country the paper was convertible into coin on demand. Still, in consequence of competition, there was an excess of issue, and this though there was a perfect publicity as to accounts, a rigid inspection by the Government, and a rigorous control; and yet from

the competition of issue, the issuers of paper had reduced the country to that state, that as the hon. Gentleman himself had said, they had overlooked morality and suspended cash payments. There was no want of a convertibility of paper enforced by law: but the competition of issues defied all law, and made every man in the community anxious to increase the circulation, in order that he might be able to promote his own wild speculations. The hon. Gentleman said that he objected to a single bank of issue. Now, he admitted that the basis and the principle of the present measure was, that there should be a single bank of issue; but that was not the proposal in the present Bill; the proposal was, that the Bank of England should be able to calculate precisely what was the amount of notes issued by other bodies in the country, so as to limit the operations by which the exchanges were to be regulated. The hon. Gentleman had made an objection as to the Government having a control over the Bank. Now, if there was one thing more than another guarded against in this measure, it was, that the Government should have no control over the Bank. He would contend against any such proposition as strongly as the hon. Gentleman. No such power was given to the Government by the Bill. The Government could not have the means of secretly exercising such power, for they were to have, not monthly or quarterly returns, but returns from week to week; and these were to be open not to Parliament merely, but to every man conversant with banking affairs; so that there could be no interference but what must be known in a moment, if anything like influence were used on the part of the Government. The hon. Gentleman had next referred to the address of the London bankers to his right hon. Friend: but their views on this subject did not correspond with those of the hon. Gentleman, who had, indeed, said that there was nothing in the evidence before the House to justify the proposed interference with banks of issue in the management of their circulation. But this was beside the question. If he were satisfied that the plan was conducive to the interests of the country, and that it was desirable to effect a change in the circulation of the country, it was not necessary for him to show that there had been great mismanagement in the conducting of a different system. He had only to prove that the system itself had necessarily led to evil consequences, and that this plan would secure them against a renewal of those evils. They had evidence of the mode of conducting banking business, and on that evidence it was plain that a change was necessary. The proprietors of country banks of issue admitted before the Committee that they did not profess to have any regard to the state of the foreign exchanges in the regulation of their issues. They said that they generally regulated them by a consideration of prices in their respective neighbourhoods; that when prices were high they put out their issues, and when they were low they contracted them. The Bank of England, paying regard to foreign exchanges, when they saw gold going out of the country, contracted their issues; but the object of doing so was constantly defeated by the country banks of issue acting upon a totally different principle. The hon. Gentleman opposite said that the country banks of issue looked to the state of pressure on the money market in London as an ingredient in the regulation of their issues; but he feared that they did so too late to avert or mitigate a catastrophe, or to apply a remedy to the mischief in progress. They waited till the Bank made such a pressure upon the money market that it was impossible to go on any longer as heretofore, or to extricate themselves from the mischief of their own acts, and then followed bankruptcies and sudden stoppages of speculations, involving serious loss, and in many cases utter ruin to all the parties connected with them. He did not wish to do any injustice to the gentlemen connected with these establishments. He did not impute to them all the blame of these unfortunate occurrences. Although there had been some cases in which great iniquity was proved to be chargeable, he believed that the real fact was, that in a majority of cases, these gentlemen had not been masters of their own conduct; nor able successfully to resist the competition to which they were exposed by their less honest, perhaps, certainly by their more incautious, neighbours; and that going with the stream they had come inevitably to the same disastrous fate. But however brought about, there could be no doubt that the tendency of the present system

was, to increase the circulation unduly, when it ought to be contracted, and so to lead to a false position of commercial affairs. This was the charge which was made against the country banks of issue, and he thought that that charge being substantiated, he had good grounds to ask the House to agree to the remedy which was now proposed to them. The hon. Gentleman who seconded the Amendment said, that if they imposed upon the circulation of the country the restrictions proposed by the present Bill, the consequence might be in a moment of panic or difficulty most disastrous, for which it would be difficult to find a remedy. The hon. Gentleman suggested a case, and said—suppose that in the course of nine months seven millions of bullion should be withdrawn from a limited amount lying in the Bank; what a predicament would the Bank and the commercial interests of the country be placed in, if there be not a power to issue an additional quantity of notes? His answer to this supposition was, that if the principle of the present measure be a just and sound one, its operation upon the exchanges and prices would be so gradual that these sudden diminutions of the stock of specie, which the hon. Gentleman contemplated, would not be likely to occur. Specie being the basis of the circulating medium of the country, would itself be controlled by the demands of the currency in a way which would prevent any undue efflux of the precious metals. But the principles upon which this measure was founded had been so fully argued by his right hon. Friend near him, and by the right hon. Gentleman opposite on a former occasion, that he felt it would be impossible to go over the same ground again without in some measure weakening the force of arguments with which the House was already acquainted. He would, therefore, not trespass further upon the time of the House, than to express a hope that they would not acquiesce in the proposition of the hon. Gentleman. He trusted the House would not impair the efficacy of the measure when it should pass into law by entertaining a preliminary objection of this kind, which, though ostensibly levelled against a minor point in it, was virtually directed against the whole measure.

Sir *William Clay* said, that in one respect he rejoiced to have heard the speech of his hon. Friend the Member for Lambeth, as, knowing the industry and ability of his hon. Friend, he was quite sure he should hear from him well stated whatever objections existed to the measure of the right hon. Gentleman. He was not surprised, however, that they were so few and weak. The right hon. Gentleman the Chancellor of the Exchequer had replied to much that had fallen from his hon. Friend; he should himself, before sitting down, make some observations on what had fallen from his hon. Friend—at present he should apply himself to the Bill before them. He was of opinion that in some of its details it was perhaps susceptible of improvement, but as a whole it had his cordial approbation, and the principles on which it was based his entire assent. The principles of the measure were what they had to deal with on the present occasion. Reserving, then, for the time when the Bill should be in Committee, whatever comments he had to make on the details of the arrangements by which the plan was to be carried into effect, he should merely now state concisely the grounds on which he considered the Bill to be entitled to the concurrence and support of the House. The principles involved in the measure he took to be these—First, that the paper money of the country should fluctuate in amount only as the metallic money for which it was the substitute would have fluctuated; and secondly, in order that it might do so, that its issue should be under the regulation and control of the State. Those principles he believed to be demonstrably sound and true; he believed also that it was essential to the well-being of the community that they should be brought into practical operation; and it was because the aim and tendency of the measure before them was to give effect to those principles that it should have his zealous support. The first great principle of the measure, then, was, that the paper money of the country should fluctuate in amount no otherwise than as the metallic money, for which it was the substitute, would have fluctuated. Why was that necessary? Because on no other supposition, and by no other means, could it be certainly and permanently maintained at an equality of value with metallic money. If its amount were permitted to vary on any other principle—if, while the precious metals were flowing out of the country the paper money were maintained at an equal or greater

amount, then one of two things must happen—either there must be a suspension of cash payments, and two prices of commodities—one in paper and the other in coin—or that calamity must be averted by a contraction of the whole circulating medium, and a general fall of prices tenfold more distressing and ruinous in effect than would have been necessary had the amount of the paper money never been allowed to diverge from the limit prescribed by the principle to which he had referred. There might be persons in whose apprehension the former alternative, the suspension of cash payments namely, would be matter rather for rejoicing than regret. The same school of philosophers the Birmingham school—who still talked of the ruinous effects of the measure of 1819, would hail with delight the advent of a paper millennium, and see in an inexhaustible supply of inconvertible one pound notes, a panacea for every ill. With such reasoners it was fortunately not necessary to deal. Their tenets were generally repudiated by the good sense of the people of England; and few, indeed, could be found—except the disciples of the Birmingham school—who believed that the national wealth could be increased, or the national prosperity secured by stamping an indefinite number of pieces of paper, and calling them money. But it was not from those alone who disapproved of the Act of 1819, and consistently, therefore, objected to the present Bill as its necessary sequel and complement, that the measure now before them had to encounter opposition. It was to be opposed by some, it would seem, who being prepared to maintain the convertibility of our paper money, yet thought the present Bill either unnecessary for that purpose, or too stringent in its operation. Of the views of one section of such opponents, his hon. Friend the Member for Lambeth had undertaken to be the expositor. That the opposition of his hon. Friend and others proceeded from erroneous views—from the not having examined with sufficient care the sources of risk to which a paper currency was exposed, would not, he thought, be difficult to show. The great principle of the Bill, as he had already stated—that which all its provisions were framed to carry into effect, was, that the amount of paper currency should henceforth fluctuate solely with the influx and efflux of the precious metals. To this object the provisions relating to the Bank of England and the country circulation were directed. Now, in what sense, or under what circumstances, could it be said that such a regulation was inconveniently stringent. The existing amount of notes, whether country or Bank of England, was left undiminished—that amount was larger than for some previous years. There was, therefore, no pretence for saying that the measure would, at the present moment, cramp the circulation. That which it would do was, that it would, in the first place, prevent an increase of the present amount of paper money not arising from an influx of the precious metals; and secondly, in the event of an efflux of the precious metals, it would prevent the void in the note circulation occasioned by the abstraction being filled up by fresh issues. Were either of these results to be deplored? on the contrary, they were both essential to the security of our monetary system, and the well being of the community. There was one important principle, or rather perhaps it might be said, one great elementary truth, laid at the very root of the whole question—a truth which once distinctly perceived did, as it appeared to him, alike tend to clear away the theoretical difficulties and intricacies of the subject, and to remove all doubt as to the course which, practically, they were called on to pursue. The principle to which he referred was, that it was not possible safely to combine the operations and results of two incongruous systems—a system of convertible, and a system of inconvertible paper currency. They must elect between the two. If they were tempted by the prospects of a paper millennium, if they could be deluded by a vain appearance of national prosperity, always to be produced by the expansion of that false credit which was strength in the beginning but weakness in the end, then they would do well to adopt some Birmingham standard of value, and not require the payment in gold of these issues of paper, against the excesses of which they refused to guard. But if they chose, as in fact, by the great measure of 1819, they had already chosen the path equally of justice and of wisdom—if they would admit of no compromise with the standard of value, would tolerate no paper money not of equal value with the metallic money it professed to represent; then they must take that system with all its

consequences, and surround it with what ever regulations and restrictions reasoning and experience showed to be necessary to preserve its integrity. To preserve paper money at all times on an exact level of value with metallic money, it must never exceed the amount of metallic money which would have existed in the country had there been no paper money, and that amount could be ascertained by no other test than the influx and efflux of the precious metals. That test would show at all times, with unerring accuracy, whether England was in possession of that share of the whole money of the world to which she was entitled, and could retain agreeably to the laws by which the precious metals were distributed through the several countries. He need not trouble the House with a definition or analysis of those laws; he would merely say, that every country must always have such a share of the general stock of the precious metals as could be used as money, without raising the prices of commodities above the general level of prices throughout the world. The moment prices rose above that level, goods would be imported and specie would be exported, until the equilibrium was restored. Her full share of the general stock of precious metals England would be always sure to possess, because she produced, beyond all other countries, those things which mankind were desirous to obtain, and in payment for which, in addition to the goods she was disposed to take in exchange, the precious metals would always have a tendency to flow into this country. The late Mr. Rothschild, a most competent witness, was so struck by this tendency, which beyond most other people he had had the opportunity to observe, that in his examination before the Bank Charter Renewal Committee of 1832, he said, that but for a bad harvest now and then, foreign loans, or mining speculations, the wealth of the whole world would centre in England. Her full share, therefore, of the money of the world England would always possess, but more than that share, whether in the shape of coin, or of notes legally convertible into coin, they must not hope to retain; nor, as the corollary of that proposition, to maintain a scale of prices higher than the level of the rest of the world. They might rest assured that either the one attempt or the other was incompatible with the safe use of a convertible paper currency. Such a state of things must prevail—must of necessity be the permanent, the normal state under any system which maintained convertibility; the difference between a good and a bad system would be, that under a good system—a system which permitted the amount of the currency to fluctuate only with the influx and reflux of the precious metals—such a state of things would exist equably and securely. Under a bad system, such as the present, where the issue of notes was left to the mere caprice of the issuers, the amount of the circulating medium, and the prices of commodities would equally revert to the level prescribed by that law of universal operation to which he had referred, and from the operation of which there was no escape; but it would be after violent and disastrous fluctuations. If a drain of the precious metals from this to any other country once set in, no matter from what cause arising—whether to pay for corn in the case of a deficient harvest, or because a rise in the prices of commodities had taken place in this country—if from any cause or combination of causes there was a tendency to efflux of the precious metals, there was but one path of safety and security to pursue, and that was for the circulating medium to contract in exact conformity, and at the same moment, with the abstracted treasure. If this principle were neglected, if the issuers of paper money, whilst they extinguished notes in return for specie with one hand, were permitted to issue them against securities on the other, thus delaying that reduction of the prices of commodities below the level in other countries which checked importation and encouraged exportation, specie would be sent out until the last disposable guinea was gone, and a suspension of cash payments was inevitable. Now, under which system would this fall of prices, which could not be averted, take place the more safely and with the least suffering?—under one where the circulating medium began to contract with the departure of the first ounce of gold, or one which maintained the currency at the same amount, until contraction was inevitable—if suspension of cash payments was to be averted? Was it necessary to answer the question, and could it be doubted that the keeping up of the amount of money, by fresh issues of notes, during a long-continued drain of bullion, rendered that fall of prices of

commodities, which it delayed, but could not avert, doubly destructive, and added immeasurably to individual suffering and national danger? But if this were true, did they need further proof of the necessity of the present measure? Under its provisions, they could never witness the absurd and dangerous anomaly of a diminution of the precious metals, and an increase of the note circulation taking place at the same time: under the present system, reasoning and experience equally showed that it was certain periodically to recur. When the issue of paper money was entrusted to those who profited by the operation, there would of necessity be a tendency to excess, and experience had shown, beyond the possibility of a doubt, that neither competition among issuing bodies, nor the dread of consequences, which at moments of excitement always appeared doubtful or remote, afforded any efficient safeguard against that tendency. Of the soundness of the conclusions to be drawn from the considerations to which he had called the attention of the House —sufficiently apparent, as he thought, on *à priori* reasoning—the experience of the last quarter of a century afforded the most ample proof and illustration. He would not weary the House with statements of figures—in truth it was unnecessary—the main facts on which their judgment must be formed being undenied, as they were undeniable. During the last twenty-five years, it would be seen—on reference to those documents which contained a record of the administration of the currency (and for the last half of that period they were in possession of very accurate statements)—that at no period had the amount of the paper currency varied on sound or intelligible principles, in accordance that was with the influx and efflux of the precious metals. The agents in the emission of the country circulation—the private and joint-stock bankers did not generally profess to regulate their issues with any reference to the exchanges, the Directors of the Bank of England had stated their opinion of the necessity of looking to them and permitting their circulation, to be regulated in its amount by the ebb and flow of specie; but by both, and almost equally, was this consideration substantially disregarded. A reference to the accounts would show, year by year, fluctuations in the amount of the aggregate circulation of the Kingdom, in every direction but the right one —the circulation remaining undiminished, or increasing during a drain of bullion, diminishing during an influx. Sometimes the Bank of England maintaining or increasing its issues for months when it ought to have diminished them—sometimes its efforts at diminution neutralized by increased issues on the part of other issuers. Between these respective parties there had been much accusation and recrimination—charges, vehemently made on either side, of grievous mal-administration. He had listened to, and weighed with the utmost care, the case brought forward by either disputant, and had come to the conclusion that both were successful in their accusations, and neither in their defence. Nothing in fact, could well be worse, unless, indeed, it were the case of America, than the administration for the last quarter of a century of our system of banking and currency. But did he blame the Directors of the Bank of England, or the country bankers for the errors which had been committed? Assuredly not: their own legislation was to blame; and it was the merest drivelling to affect surprise at what had occurred under the system they had suffered to prevail. When the issue of paper money was left in the hands of those who profited by every pound they issued—when, again, those issuers were exposed to the importunities of those among whom they dwelt—of that mercantile and enterprising community of which they commonly formed a part, with the feelings of which they of necessity sympathised; an excess of issue was not only probable—it was certain. And what was the result? Why, that during the last twenty years they had experienced monetary convulsions of the most formidable character. His hon. Friend the Member for Lambeth said, this measure was justified by no facts. No facts! Why in 1825, it had been said on high authority that we had been within forty-eight hours of barter. In 1830 and 1837; and again in 1838 and 1839; periods of very great difficulty and distress had occurred in the commercial world, and great disturbance in the monetary system of the country. At all those periods there had been great national difficulties; suspension of commercial and manufacturing enterprise; consequent want of employment for the labouring classes,

and wide spread individual loss, suffering and ruin. It would be absurd, as was truly said by his hon. Friend, to attribute all those disturbances of our commercial and manufacturing interests, all these sufferings, to a faulty monetary system; but it would be equally absurd to assert that those disturbances were not in all cases enhanced and prolonged by a system which admitted of factitious expansions of the currency, and rendered necessary as violent contractions. The case of America was yet more striking and pregnant with instruction, inasmuch as in the United States the same elements which have here produced much inconvenience and danger there by their unrestrained operation, convulsed society to its very centre, produced the complete suspension of cash payments, and by the unanimous testimony of all parties and all observers, inflicted on the community sufferings unparalleled in extent and duration. That in England the result of the working of the defective elements of the monetary system had stopped short of the calamities in America, was to be attributed, he was satisfied, to two causes alone; the first, the salutary measure of 1826 for the suppression of the small notes; the second, the control over the circulation exercised by the Bank of England—a control which, though not always exercised with the soundest wisdom, had yet greatly tempered the excesses to which a system of currency issued by banks of equal power and pretensions, and controlled only by competition, was liable. He participated, he must confess, in the astonishment expressed by the right hon. Gentleman, that his hon. Friend should have ventured to allude to the case of America in corroboration of his argument—for if ever there were a case which afforded the most complete proof of the insufficiency of mere legal convertibility, to guard against excess in the issues of paper money, that case was to be found in the United States. His hon. Friend was mistaken in supposing that there was any law in America legalising the suspension of cash payments. The attempt had been once made in the state of Kentucky, where the legislature had passed a law declaring bank notes a legal tender; but that law had been declared null, and refused to be recognized by the Courts of Law, as being opposed to a fundamental article of the Constitution of the United States. It was true that in spite of the law, cash payments had, in 1837, been suspended in every state of the Union, for the law could not effect impossibilities, but was it possible that a stronger argument against the views of his hon. Friend could exist than the fact that a great and wealthy community had to submit, through the whole length and breadth of the land, to the calamity of a suspension of cash payments, in the very teeth of stringent laws, because they had not taken any precautions, not even such as in this country had already been taken, to guard against excessive issues. Against the evils and inconveniences England had sustained, against the danger of the heavier calamities which America had undergone, the Bill before them provided the best, the only remedy, and to that Bill what were the objections stated? It was said, that it would limit inconveniently the power of bankers, whether the Bank of England or the country banker, to afford accommodation to their customers. Let them consider, first, the case of the Bank of England. What was the opinion of Mr. Loyd and Mr. Norman, gentlemen whom it was only necessary to name to secure for their opinions the repectful consideration of the House? Those gentlemen both stated, in their examination before the Banks of Issue Committee, in 1840, their opinion in the strongest terms. That the system which was called "supporting commercial credit" was false and empirical in principle and dangerous in practice, inducing parties to neglect precautions which they might otherwise have taken. That—

"It was a remarkable phenomenon attending the drains of specie, that they always go on for some length of time before prices, and speculation, and over-trading, and over-banking, have reached their maximum; and that the last stage of a drain is always characterized by the springing up of internal alarm."

That—

"Contraction applied in the early stages of a drain, could be borne without inconvenience to the community, and would check in their early growth those tendencies to over-trading and excessive rise of prices, which, by their undue expansion under our present system, and the consequent violence of their subsequent collapse, produce the extreme intensity which characterises the commercial crises of this country."

But the country bankers might say, would not the measure lessen their power of granting accommodation? The power of a bank to grant accommodation

must consist of its capital—the funds entrusted to its care by depositors, and the mean or ordinary amount of its circulation. Whatever it lends beyond these—whatever accommodation it affords by increased issues, must be unsound in principle, and so sure to be withdrawn on the first symptoms of pressure on the money market, as to be injurious rather than beneficial to those to whom it was afforded. The measure before them would not, of necessity, diminish by a single pound the present amount of circulating medium—it would not prevent its being enlarged—it would provide only that no other increase should take place than that arising from an influx of the precious metals into the country, an increase from which no danger was to be apprehended. It could not be too often repeated or too clearly understood that, under the proposed system, the mean or average amount of the circulating medium would not be less than at present. Now, the amount of the circulating medium must conform, in the long run, to the level prescribed by those laws to which he had adverted, laws of unfailing operation—the only difference would be that it would conform to that level invariably, neither rising above nor falling below it. Under which system could the surplus capital of the country be brought more securely in aid of its enterprize? Under which system could the farmer, the merchant, or the manufacturer rely on the more steady and safe accommodation? What then were the conclusions to which the considerations he had stated led. Briefly these — that the establishing by law the convertibility of notes into coin at the will of the holder, was not a sufficient safeguard against the abuses to which a paper currency was liable—that to confide the charge of issuing notes to those who profited by the operation, was to render it certain that there would exist the tendency to issue them to excess—that against such tendency competition among issuers afforded no efficient check; and that such check was only to be found in subjecting the issue of paper money to the control of the State, and regulating it in accordance with laws of unfailing and salutary operation. It was because the Bill before them effected these objects, that it had his warm support. The measure did not yet go so far as he could have wished, and as beyond all doubt it must ultimately be carried; but it was a most important step in the right direction, it was one of the greatest advances ever made by any Government in the application of the best principles of monetary science. He was perfectly certain it would never be retraced, but would be followed out and completed in this country, and imitated by others; and he could not refrain from adding, that for introducing such a measure, the right hon. Gentleman deserved the best thanks of the House and of the country.

Mr. *Newdegate*: Mr. Speaker, in the first words I utter, let me acknowledge the kind and liberal manner in which the right hon. Baronet, at the head of Her Majesty's Government, replied to a question which I lately felt it my duty to put to him on this most important subject; and whilst I thus acknowledge that proof of his kindness and liberality, I would beg the House to believe that I do not understand the expressions of the right hon. Baronet with respect to myself, as anything further than as an acknowledgment of a sincere desire, evinced on my part, to frame and put that question in a form as little troublesome and annoying to the right hon. Baronet as possible. In that sense, I deserve the kind expressions he made use of, and in that sense I cordially accept them. I most sincerely regret that the right hon. Baronet has not answered the latter part of the question I put to him so fully as I anticipated; he admits that the operation of this Measure may, for a time, effect a limitation of prices, and, so far, his answer to the first part of my question is complete, and his opinion appears to accord with that expressed by Mr. Pitt, as well as with that of Mr. Hume, who stated that the interval between a decrease of the circulating medium, and the adjustment of prices to a lower level, is always pernicious, in a peculiar degree, to industry; but the difference between the right hon. Baronet and Mr. Hume is, that the latter attributes this depressing effect directly to a state of transition in prices to a lower level; now, the hon. Baronet evidently contemplates such a transition, though he does not so distinctly admit it, for, in the next sentence to his admission of the temporary debasement of prices, he mentions a state of prices (which we must conclude he considers the present) that are raised to what he considers an unnatural height by an excess of paper circulation. Now, my fear is, that not only will prices sink in

proportion to the actual restriction of paper issue, which this Measure will effect, but owing to the limited basis of our Currency, and the additional restraints imposed by this Measure against its possible relaxation, that prices will progressively fall to the Continental level as their production increases, and that, ultimately, the share of those prices, which will fall to the home producer of this country, will be further diminished to him, in proportion as his taxation exceeds that of his foreign competitor. Sir, had I been satisfied, that the effect of the present Measure upon prices, would be merely that of a temporary limitation, I might have doubted whether the temporary distress, however severe, which that limitation would have effected, might not have been counterbalanced by the security in monetary and commercial transactions which the right hon. Baronet hopes to ensure by the enactment of this Measure. But if this is but a step towards a permanent and increasing depression of prices, which I fear it is, I can only say that nothing shall induce me to give my humble support to such an Enactment. Independent, however, of these most serious considerations, I do not believe this Measure can have the effect of preventing fluctuations in our circulating medium, unless by a contraction of it to an amount so small as will be totally disproportionate to the increasing production and consequent requirement of this country. I believe that the fluctuations in our currency, and the consequent derangement of commercial transactions, of which the right hon. Baronet complains, may in great degree be attributed to the narrow and fluctuating basis of our Currency, as established by the Acts of 1816 and 1819, for if you have fluctuation in the basis of any superstructure, and that basis is too narrow in proportion to the superstructure it supports, the fluctuation in the superstructure will be great in the ratio of its disproportion to its basis. The value of our currency was fixed, and the amount of it was limited by the Acts of 1816 and 1819, and our currency now is not larger than it was after the Act of 1819 came into operation; and if we consider the increase of population and of production in this country since that period, and how much in consequence the value of money has been raised by that subsequent increase, owing to the quantity of it (money) having remained the same, whilst the quantity of commodities has so greatly increased; I cannot think, that it is either wise or just further to contract the quantity or enhance the value of money at the present time, as proposed by the Measure now before the House. The effect of the high value of our Currency, as established, has, I think, been fairly argued by a relative of mine, Mr. Boucherett, in a pamphlet he published on this subject, and from which, if the House will permit me, I will quote the following passage:—

[*A Few Observations on Corn and Currency, by Ayscoghe Boucherett.*] "The difficulties in which the commercial and banking interests have been so frequently involved, and the continual recurrence of manufacturing and agricultural distress, are attributed by many persons, and I think justly, to the high value of the currency. There are, however, others who insist that it cannot by possibility produce the evils complained of, and who have attributed them, at different times, to a variety of causes, such as,

"A transition from war to peace—a plea no longer available.

"Exclusion of foreign corn by the Corn Laws.

"Importation of foreign corn, and a succession of bad harvests.

"Over-trading and over-issue of one-pound notes.

Peel's Bill, and the withdrawal of one-pound notes.

"The monopoly of the Bank of England.

"The establishment of Joint Stock Banks, and a want of command over them by the Bank of England.

"The improvident issues of the Bank of England, affording encouragement to undue speculation.

"A want of liberality on the part of the Bank of England, whose duty it is said to be to support credit.

"It is perfectly true that difficulties have arisen under each of these circumstances, but they have also occurred under circumstances opposite to each, for they are opposed to each other; each, then, having been present when difficulties have occurred, acquits its opposite of being the cause. To what then shall we attribute these difficulties, but to that which has been present under each period of distress, and whose opposite has never been present—the high value of the Currency established in 1816."

The writer then goes on to recommend a depreciation of the Currency, and shews good grounds for considering it a matter of justice, but I do not go so far as that; I merely pray, that you will not, by this Enactment, still further raise its value by still further limiting its quantity. This Measure proposes to limit the circulation of the Bank of England to a certain ratio upon the bullion in her coffers, and 14,000,000 of

securities; and to judge rightly of its future operation, we should base our opinion upon the experience, gained from the history of the monetary policy and condition of this country during past years, particularly those since 1819; and if we do so, I do not think we can fairly calculate, that the share of the precious metals which will hereafter form the basis of the circulating medium of this country, as taken from the whole quantity which form the circulating medium of the world, will hereafter greatly exceed the average of past years, if calculated upon a considerable period. Now the annual average of bullion in the Bank, in each year, from 1819 till last year, falls very far short of the amount of bullion at present, which greatly exceeds any amount of bullion to be found in the returns at any period before last year. I think we may therefore fairly consider it, at all events, a larger quantity than we ought to count on for the future average of our bullion. For many years the supply of these precious metals, as compared with the consumption of them in the world, has been nearly stationary, rather decreasing. It is true, that last year the yield of the Russian mines greatly exceeded their general produce; but shall we build our hopes and legislation on that exception, in defiance of all past experience. No man that has ever watched the uncertainty of mining production will be so wanton—and I think we should also consider that this extraordinary and exceptional increase has taken place in a country which has an even smaller convertible currency than our own, as compared to the relative production of commodities in each of the two countries. Russia therefore needs her gold, and may, probably will, by fiscal regulations, prevent our drawing it, at all events rapidly; for if a country will not admit our exports on advantageous terms, we cannot draw her bullion, except at an enormous sacrifice. Since, then, we can only procure and retain bullion sufficient for the Currency of this country through the medium of foreign exchanges in return for exports, it is evident that our foreign commercial relations must have a material bearing on this matter, and that to judge rightly of it, we must consider what is the present character of them. Have our advances towards free-trade been met by reciprocal relaxation of import duties on the part of foreign states? Is it not notorious, that the general tendency of their commercial policy is the reverse; that they have generally met our advances towards free-trade by imposing additional import duties for the protection of their native industry. How, then, can we increase our bullion, but by sacrificing our native industry? I say, that this system of one-sided free-trade, combined with a contraction of the Currency, is incompatible with the welfare of this country, and will produce a state of distress and misery among us that I cannot contemplate. I do not wish to quarrel with the principle upon which our monetary system was established by the Act of 1819. I say, that in the abstract, it is a good plan, but I say this of it, that if the continuance or enforcement of that system renders the proposed contraction of the Currency necessary, it is inapplicable to the present condition of this country. There is a striking similarity, with regard to prices between the periods selected for the introduction of the Measures of 1816 and 1819, and the present. Previous to 1816 and 1819, prices had fallen very low; then, say the advocates of those Measures, you must not attribute to them the fall of prices, which was previous. They have a colour for their reasoning, for the fact is, those Measures did as much to keep down, as to depress prices: and so will the present Measure do as much to keep down, as further to depress our present low prices. Let us for a moment consider what are the characteristics of our present commercial policy. Is not the system of free-trade insisted upon, advocated, or adopted in a greater or less degree by the great majority of those who form the Legislative Councils of the Empire? Have not our measures of late years been characterized by this tendency? Is there not every prospect of a further adoption of this policy? And what is its avowed effect in this country? Depression of prices; and now Her Majesty's Government come down upon us with this Measure to enforce a contraction of the Currency; which, if there be any faith in the fundamental rules of monetary policy, as I have read them, must cause an additional depression of prices. I do entreat the House to consider, how grievous will be the pressure which the combination of these two causes will produce upon the capital permanently invested in the means of production, and upon the industrious classes of this country. Are hon. Members prepared to go down to their homes, and to tell their constituents "We have passed a Measure, which will place the monetary transactions of this country upon a secure basis; but the operation of which upon you,

the productive classes of this country, will be to diminish your profits and your wages, whilst it retains the same, aye, increases the weight and pressure of those payments under which you are already abouring?" Sir, when I have thought upon free-trade, whilst I admit its advantages in a merely monetary and commercial point of view, if practicable; I have ever thought that its adoption in this highly-taxed country must lead eventually to an adjustment of contracts, as an indispensable measure of justice. And the only means to enact that measure of justice effectually, and without overthrowing the relations of society, and the institutions of this country, has ever appeared to me an extensive relaxation of the Currency, of which the operation of this Measure will be the reverse. Sir, if I am not grossly mistaken in my comprehension of this Measure, and in my apprehension of its effects, it will render the protection, at present extended to the productive capital, and the operatives of this country, totally inadequate. I might now, Sir, enter into details to prove the extent of the contraction of the Currency, which will be caused by the enactment of the Bill now before the House; but I think such details are rather matters for the Committee, when I fully believe it will be found, that the proposed contraction is much greater than is generally anticipated: I will now, however, content myself with the admissions of the right hon. Baronet, and take the contraction to amount to about 18 or 20 per cent., as estimated by those whom I have consulted, as best able to form a correct opinion after having investigated this Measure. Such a reduction of prices as must be the consequence of a contraction of the Currency to the extent at which I take it, will press most heavily on the industrious classes of this country, for upon them will its heaviest pressure ultimately devolve. Now, a reduction of prices in this country may be anticipated from three principal and probable causes, namely, abundant harvests, further adoption of the system of free-trade, a contraction of the Currency. A reduction of prices, caused by the first of these, namely, abundant harvests, is a blessing to the people of this country, for God gives the increase, and it is divided among the people of this country. A reduction of prices originating in the second of these causes, namely, free-trade, that is the unrestricted competition of foreigners, is an evil to the working people of this country, for what they lose is a bonus to their foreign competitors. But a reduction of prices caused by a contraction of the Currency must ever be the most detrimental to our industrious classes, for to them it is a sheer loss without the shadow of an equivalent; but on the contrary is accompanied by an addition to their burthens. Shall we, then, combine these two last causes of depression, and leave the people of this country to labour under their infliction; whilst we, occupied in the pursuit of theories, forget their sufferings, and turn a deaf ear to their complaints. I trust, we shall not incur the chance of the results I fear will follow the hasty adoption of this Measure, without far more mature deliberation than we have yet generally given it, or have had the opportunity to give it. I can honestly say, that since its introduction, aye, that since its specific announcement, I have given this Measure the best consideration, my other business, my time, and my faculties allowed. It is not a subject totally novel to me, for my thoughts have been for some years turned towards it, previous to my connexion with my present constituents. Not that I am ashamed in the least of my present connexion with Birmingham, which on account of the doctrines held by some of its leading inhabitants, some would seem to consider a very Nazareth of political economists. These doctrines are, in many respects, identical with my own. I have ever admired the boldness and honesty, with which my hon. Friend, the Member for Birmingham, has told free-traders, that unrestricted free-trade is incompatible with a just regard for existing interests, in a country with so small and restricted a circulating medium as England. And this leads me to the consideration of an argument, used by the hon. Member for the Tower Hamlets, who drew a comparison between the financial condition of this country, and that of the United States previous to the disastrous failure of her banking establishments, and who quoted Mr. Webster's opinions with regard to the state of currency in America, in favour of our adoption of the present measure for this country. I know it is commonly argued, that the failure of the American banks is a strong instance of commercial disaster, produced by over-issue of notes even under a system of immediate convertibility, which many political economists deem a sufficient safeguard against an excess of paper currency. Hence a comparison is instituted between the present

monetary condition of this country and America. Now it happens that I was in the United States not long after the first failure of the banks, and had the advantage of hearing a most eloquent and able speech from Mr. Webster on this very subject at Saratoga. I fully appreciated his arguments in favour of restriction, as applied to America, but there is a striking difference between the then financial condition of the United States and that of England at present, which is of itself sufficient to break up any reasoning by comparison between the two cases; and it is this, that whilst the convertible currency of England is smaller in proportion to her annual productions than that of almost any other country except Russia, the currency of the United States, previous to the failure of the banks, was, from fictitious causes, as much too large in proportion to her developed resources and annual productions, as that of England will be too small for her natural requirements, if the present Measure be enacted. Complaints have been made of imprudence, and unjustifiable speculation on the part of country bankers, and this Measure is said to be chiefly aimed by limiting their privilege of issue at removing that which is considered a temptation to gambling in public credit. Now, I cannot think that this Measure will very effectually check speculation among those bankers who are addicted to it, but that it will rather induce them to conceal their proceedings, by confining their speculations to the more strictly banking part of their business, whilst the publication of their issues will serve as a blind to the unwary. If you attempt, by legislation, to reduce the legal currency below the natural requirements of this country, the necessity for a circulating medium of some kind will prove too strong for your legislation, and will lead to a system of dealing in small bills and acceptances objectionable enough where drawn and accepted by firms of reputed soundness, far more so if it degenerate into the transfer of such paper, drawn upon private individuals, to be backed by others equally unknown; and if the necessity for money be severely felt, I have no doubt that this kind of paper will eventually supply the void in Currency you may make by attempting to limit its amount below that which bears a due proportion to the production of the country. The absence of banks of issue in the more remote districts of Scotland has been found to have the effect I have described; and of the rascality, failures, and misery thus produced, you may have ample evidence from witnesses acquainted with those districts. I have been told, and I believe it is true, that in this metropolis, a society has been formed, at all events individuals maintain themselves, by affording information with respect to firms in various parts of the kingdom, whose bills come into the market. Now, if information is so valuable in commercial transactions, even now, when only the bills of houses comparatively well-known are generally dealt in; may we not justly infer, that there is danger in secrecy. If so, let us beware, lest by attempting too stringent regulations, we merely cast a veil over, instead of checking fraud and speculation, and thus set a trap for the unwary. I believe, you can no more prevent speculation than you can smuggling by legislative enactments, if the temptation be too great; and I think this Measure will tend to enhance the temptation. I do sincerely trust, that the right hon. Baronet, at the head of the Government, and that this House will give due weight to the suggestions and remonstrances of the country and London bankers, whose opinion, from their intimate acquaintance with the local circumstances, the commercial transactions, and the financial necessities of this country, are eminently entitled to respect. Lastly, let us glance at the probable political effects of that system, of which this present Measure is a part—it will be the construction of an aristocracy of mere wealth, by raising the value of money above other capital, to the extinction of the present mixed aristocracy. Now there are three kinds of aristocracy, which may be distinguished by the elements from which they spring, and these are an aristocracy purely hereditary (of birth)—an aristocracy of talent, and an aristocracy of wealth; and the characteristics of these three different kinds of aristocracy, are as distinct as the elements of their origin—an aristocracy of birth, are indolent and overbearing, but they are generous—an aristocracy of talent, are the most intolerant, but the most energetic — an aristocracy of wealth is the most oppressive, for it is the most absolute, and is but too apt to consider those below it mere units of production. The governing class of this country is at present composed of these three; and it is a happy combination, for the evil propensities of each are counterbalanced by the others, and their better qualities are elicited by the action of public opinion. Thus,

owing to the fact, that the elements from which the governing class of this country is drawn, being the same whence public opinion emanates, even where not elected, as in the case of the House of Peers, they represent the whole community. Shall we then, by the adoption of this and similar Measures, allow one of the three component elements of our present aristocracy to overbear and absorb the other two. If this happen, public opinion will be stifled in our councils. In this respect let us take warning by the example of Democratic States: see how even they guard against the oppression of accumulated wealth; they are governed by a spurious aristocracy of talent, an aristocracy of demagogues; but they provide for the distribution of wealth, lest it swamp their councils. For one, Sir, if this danger threatens, I will join those who would arm the people of this country with an extended suffrage, rather than that they should succumb to such oppression. Sir, if this House has maturely weighed the various and conflicting considerations, which should form the basis of a sound opinion on a momentous step in the political career of this country, such as this Measure, and are satisfied that it is for the benefit of all classes, and the stability of the Empire, let them confirm the principles of this monetary system; but if with me they doubt of the result, is it not their duty, at least, to pause and to enquire? So far as I can understand this mighty question, I have feebly endeavoured to express my conviction of its tendency; and I warn this House, that this Measure will again still higher raise the golden standard of our Currency above a sinking people. If ye are content, proceed; but if my fears are just; when the many troubles gather round ye, that this Measure will entail, and ye turn to gaze upon this standard, as the Israelites did upon the Brazen Serpent in the Wilderness, ye will find it has less healing influences.

Mr. *Hume* assured the hon. Gentleman that he need be under no alarm as to the consequences which he seemed to anticipate from the Government measure. The hon. Gentleman's arguments proceeded on the fallacy that the amount of the precious metals was limited. He thought the present amount of bullion in the Bank of England was a sufficient answer to that. It was a known fact, that the Bank had so much bullion in their coffers, that they knew not what to do with it. Upon looking at the Bill before the House, he found that it did not carry out the speech by which it had been introduced by the right hon. Baronet. He admitted the importance of separating the two departments of the Bank, but he thought the principle of convertibility, upon which the right hon. Baronet's speech had proceeded, had not been preserved in the Bill. There were forty millions of notes in circulation, twenty of which only would be convertible by this measure; the other twenty millions which were circulating in Yorkshire and other places, would be met, not by gold, but by paper—that was by Bank of England notes. Whenever bank notes were issued there ought to be gold to meet them, but the measure of the Government contained the same legal tender Clause which had been improperly (as he thought) introduced into the previous Currency Bill. The measure was imperfect, therefore, because it did not ensure in all cases immediate convertibility. As the Government had the charge of the metallic currency, he contended that they should have the same charge with respect to paper currency. For his own part, he should prefer a mixed currency—paper and metal—as being more convenient and generally desirable. But the great objection which he entertained to the present plan was the restrictions which it proposed to impose upon the issue of country banks. As to the regulation of the currency, he defied any legislation to regulate it. The operations of commerce must be its natural regulators, and, therefore, these restrictions upon the issues of private banks were impolitic and unnecessary. Let them once secure the general principle of convertibility, let that principle be universally applied, and then they might safely allow unlimited issue—convertibility being a sufficient check. They were told to look at the banks of the United States; but he contended that their fate by no means constituted a case in point. The bankers of the United States had not, in fact, regulated their conduct or conducted their business upon banking principles; they had been merchants as well as bankers, and failed in the one capacity rather than in the other. Let them look to Scotland, and see what had been there the result of competition in banking. In Scotland there was no restriction, and the system worked well. It was a mistake to suppose that the quantity of the circulation de-

pended upon the number of banks. It had not increased in Scotland with the growth of banking establishments, but was divided among them, and its extent regulated by the natural demands of the country. As Mr. Blair said, in his evidence, no one in Scotland had any inducement to keep notes in his pocket. The currency in this country had been very much contracted by the establishment of savings banks. Joint-stock banks had also tended to produce the same effect, by taking money out of general circulation by, in many instances, offering interest for its use. He thought the country ought not to be led away by the attacks of the right hon. Baronet at the head of the Government, and reiterated to-night by the hon. Member for the Tower Hamlets, respecting the abuses of private banking. It was most unfair to judge, by the strict rules of banking, of establishments which had not been conducted upon those principles. The failures among these establishments, cited by the right hon. Baronet, could not be traced to over issues. The great failure of Wright's bank was an instance of this. The mere question, therefore, of the issues of private banks had no bearing whatever upon the general question of circulation and currency; and, in point of fact, he could distinctly show that the allegation of the right hon. Baronet as to the misconduct of the country banks with regard to over-issues of paper was not founded in justice, for Mr. Kennedy, before the Banking Committee, distinctly asserted that the provincial private banks had not acted so badly as they were accused of having done. Instances of a prudent system of banking could be plentifully supplied from Scotland, and therefore it was not fair to class all private banks of issue in the mode proposed by the right hon. Baronet. He contended that no proof whatever had been offered to the House, justifying or showing the necessity for the proposed restrictions; and, on the other side of the question, he would assert that those restrictions were not called for; nor would he go so far as America, in order to show this, but would content himself by referring to Scotland, and even Ireland. Neither was it true, as had been asserted, that when the Bank of England decreased its issues the country banks increased theirs proportionately. In point of fact, the Bank of England itself was the most flagrant offender of the two in this respect. In fact when the right hon. Baronet stated, on a former evening, that the reason why he had proposed the present plan was, because of the amount of fluctuations in the issues of paper money that had taken place. But he had referred to the private banks alone, and not to the Bank of England, and this he considered was a most unfair proceeding. The right hon. Baronet had also referred to the great panics that had occured in the monetary circles; but he denied altogether that the private banks had occasioned them, or had anything to do with them. Indeed, he could show that the Bank of England itself was alone to be blamed for those great convulsions; it was clear to him that the sudden disappearance of bullion was occasioned by the great fluctuations in the Bank issues, and by the consequent depreciation of the currency. When a mixed currency of paper and gold prevailed, as in this country, one of the consequences of any sudden issue of paper was to depreciate the value of the currency, and also that of food and labour; the gold, therefore, becoming cheaper, was exported to the Continent, and disappeared from the circulation. In the year 1819 there was an amount of 15,000,000*l.* circulating in country bank notes, while there was 31,000,000*l.* of Bank of England notes. The Committee which reported on the subject at that time recommended the Bank of England to reduce the amount of its circulation, and, in the following year (1820) the issue was brought down to 23,000,000*l.*, whilst the bullion had increased from 5,000,000*l.* to 8,000,000*l.* In 1822, the Bank of England had reduced its issue to 16,000,000*l.*, and its stock of bullion had risen in value to 11,000,000*l.*, thus showing a decrease in amount of its circulation between 1820 1822, of 15,767,000*l.*, and a corresponding increase in the amount of bullion in its coffers of 7,500,000*l.* On the other hand, the decrease of the country circulation during the same period was from 15,000,000*l.* to 7,200,000*l.*, showing a withdrawal of paper money in this quarter fully equal in proportion to that effected by the Bank of England. And what was the consequence of this change in the currency? Why, that instead of the Bank of England postponing to the full limits of time assigned the resumption of cash payments, it was actually paying its one pound notes in gold at the end of 1822, and it was en-

abled to do this because the rise in the value of the currency brought back the gold from the Continent, and enabled the Bank to meet the demands upon it. In the year 1823 the Bank of England again increased its issues to 18,500,000*l.*; in 1825 they swelled to 24,000,000*l.*, whilst in 1826 the amount of its notes in circulation was 32,900,000*l.*, or 16,000,000*l.* more than it had been in 1822. During the whole of this period the whole of the changes in the amount of circulation of country bank-notes did not exceed 2,000,000*l.*, a convincing proof of his assertion that the fluctuations of the country bank notes, so far from exceeding those created by the Bank of England, did not approach them within the vast amount of 14,000,000*l.* These enormous fluctuations in the paper circulation of the country necessitated an equal amount of variation in the quantities of bullion in the Bank coffers, and accordingly it would be found that during this period no less than 13,000,000*l.* of bullion was drawn from the Bank coffers. One of the consequences of fluctuation and of the depreciation in the currency was to raise the price of the public securities, and ultimately to enable the Government to pay off the Five per Cents. But this could never have taken place if competition had been permitted to the other banks of issue; and, therefore, as those banks were wholly guiltless of all participation in these fluctuations, the evils arising from them ought not to be charged to them, but ought to be laid at the right door. In fact they had no connection whatever with the matter; and he thought he had fully made out his case. For his own part he saw no reason why the Bank of England should enjoy a monopoly of the paper currency for sixty-five miles round London. If the Government would limit the circulation of bank notes to 40,000,000*l.*, there ought to be one-third of that amount in bullion always available in the Bank coffers, which would compel the Bank to have always about 13,000,000*l.* of gold coin lying in the vaults; and it could not be doubted that this involved a great mistake in point of regulating the circulating medium; whereas, if the clause respecting the legal tender were repealed, and it should thus be rendered compulsory upon all bankers to pay notes of every denomination in cash upon presentation, then the amount of bullion would be scattered over the whole country, instead of being centred all in one spot. The Bill of the right hon. Baronet, if it should pass into a law, would certainly have the beneficial effect of restricting the unbounded issues of paper money, and it would thereby prevent all similar castatrophes to those of 1825, 1837, and other periods of distress and panic; but, at the same time, it gave a preference to the Bank of England over its monetary competitors, and that was not fair. He was, however, ready to admit, that the Bill was an improvement upon the present state of banking; but so long as the Corn Laws were maintained on their present footing, and so long as a drain upon the metallic currency of the empire was kept up, year after year, by the necessity of paying foreign nations for their grain, not in manufactures but in gold, so long, he contended, it was useless to hope that the circulating medium could be preserved from occasional and even dangerous fluctuations in value and amount.

Mr. *Wodehouse* said, he came from a part of the country where the banks were well regulated, where their security was ample, and where the people were perfectly well satisfied with their management, and as this measure seemed ultimately to lead to the removal of country banks altogether, he must, however reluctantly, vote with the hon. Member for Lambeth. He was reminded on the present occasion of an expression used by Mr. Huskisson —a man whom most of them knew, and all lamented—in a pamphlet which he wrote in 1810, relative to securities from country bankers, he said:—

"This is a part of the subject which it is material should be well understood, because many persons witnessing the great multiplication of country banks within the last few years, are disposed at first view to think that in them is the root of the evil. Let the parent stock be restored to its natural, healthy, and sound state, and the country will have nothing to apprehend from those ramifications of credit and circulation. No special interference with them would, in my opinion, be either requisite or beneficial."

He did not wish to extend the evils which had arisen in this as well as in other countries from too great a facility of credit being granted; but the evils arising from too great a contraction of credit were those which it was the duty of Parliament now more especially to consider. He hoped he should be excused for reading a passage from the *Minutes of the Proceed-*

ings of Government as to the Unfunded Debt in 1815, which was drawn up by Lord Bexley when Chancellor of the Exchequer. The passage he referred to was this :—

"It is quite clear that in the state of distress pervading in 1816, the agricultural and commercial classes of the country, a loan could not have been contracted, except upon the most disadvantageous terms, and with great additional pressure on the public. The Government, had, therefore, no other alternative than to add to the unfunded debt, and this was done on that occasion by direct advances from the Bank, specially authorised by Parliament, and not in consequence of any private arrangement between Government and the Bank. The state of public distress continued during the whole of the year 1816, and existed at the opening of Parliament in 1817; the funds were then at 63, and Parliament at its opening immediately applied itself to measures for the purpose of relieving the general distress; and among other proceedings resorted to the expedient of an issue of Exchequer Bills for the relief of the poor, and the encouragement of public works. Any attempt, under these circumstances, to contract for a loan, would, for reasons similar to those in the preceding year, have counteracted the intentions of Parliament in the measures they were pursuing; and it appeared to be the less necessary as the foreign exchanges were favourable to this country, and as the Bank were progressively accumulating a large treasure in gold, though their circulation was between 27,000,000*l.* and 29,000,000*l.* In the spring and summer of the year 1817, a great improvement occurred in the internal situation of the country. The funds, which had been 63 at the beginning of the year, rose about the month of August to 81, and in October to 82 and upwards. In the summer and autumn of 1817 the exchanges became again unfavourable, and became more so towards Christmas, as was supposed at the time, in consequence of the transactions in the money markets abroad, and more particularly of the large loan to be negotiated for the French Government by English contractors."

The celebrated remonstrance on the part of the Bank in 1819 declared that they were ready to carry the Bill of that year into execution, but it was utterly impossible to do so without inflicting the most serious distress on the country. On which Lord Grenville remarked, "What business has the Bank to trouble us with any expression of opinion as to the distress of the country?" The hon. Gentleman quoted extracts from the King's speeches, in 1819, 1820, 1821, and 1822, relative to the distress which existed at those periods, and adduced the authority of Lord Liverpool to prove that agricultural distress in 1822 was chiefly owing to the want of a sufficiently extended circulation in the country. It seemed to be the intention of the present Government on this question, to bind rather than to give further relaxation, and he deeply regretted it. The carrying out of this measure in that part of the country from which he came would be productive of serious injury, and he therefore felt at greater liberty to canvass the authorities on which it was founded. One of the principal witnesses examined before the Committee on Banks of Issue was Mr. Jones Loyd, of whose abilities and character no man was less disposed than he to speak disparagingly. He recollected, before the Committee was appointed, having once talked to him on the subject of currency and banking, and, happening to express an opinion that it was a most intricate and complicated question, "Oh!" said Mr. Jones Loyd, "it is only complicated because you make it so. Let me have have a Committee, and with the single assistance of the Member for Bridport, now for Kendal (Mr. Warburton), I will undertake that, in the course of a few weeks, a report shall be issued which he that runs may read, and to which universal consent must be given." Now, when it was reflected that this was a subject of special consideration with the greatest statesmen and philosophers which England had produced, including Burleigh, Bacon, and Newton, and that at a time when it was not clouded by a complicated system of taxation and paper money, how any man now could say that he could lay down rules respecting it which no one could object to, staggered him, and he naturally exclaimed,

"Hear this, ye gods, and wonder how you may."

It forcibly reminded him of the driver of an omnibus, who said, "I am ready to go over everything and everybody if I can only have my own cattle and the cad cries out "all right." He certainly would rather vote with, than against, the Government; but he had no alternative. He thought the measure fraught with great danger to the country, and therefore he should vote against it.

Mr. *C. Buller:* As he had the honour of aiding his hon. Friend in drawing up his Motion, he hoped he might be permitted to observe that he was much surprised at the nature of the objections

taken to it. His hon. Friend the Member for Montrose stated he could not vote for it, though it seemed exactly to express the objections which he urged. The hon. Member for Norfolk, if he understood him (always an important preliminary), objected to an interference with the present banks; and why he should not vote for the Motion he could not comprehend. The only way to secure his vote in future would be first to find out what he meant, and then propose a resolution to directly the contrary. It seemed there was no pleasing anybody with regard to his resolution. The Chancellor of the Exchequer had recourse to a favourite taunt of Government, and said it would be more manly to have moved that the Bill be read a second time that day six months. But his hon. Friend expressed his meaning better than the Chancellor of the Exchequer did for him. It was not to the renewal of the Bank Charter, which was the main object of the Bill, that his hon. Friend objected. If he moved that the second reading be taken that day six months, it would have implied that he was opposed to that renewal. But when the objection went merely to that part of the Bill which interfered with the issue of Bank paper, his hon. Friend took the most straightforward and intelligent course by framing and proposing his resolution. It was not his intention to enter at large into this discussion, but as it was his misfortune to differ on the present occasion from those to whose opinions he was in the habit of attaching great weight on matters of political economy, he was anxious to state the reasons why he was extremely averse from the general principle laid down in this Bill as to the issue of Bank paper. It was the misfortune of those debates (though the question was asked very frequently), never to have had laid down by any competent authority what was the practical object of the proposed interference. Some gentlemen confined it simply to one object. They said there were large issues made by country banks, and those issues endangered the convertibility of the paper of the Bank of England. He could understand that; and it seemed to him that in favour of such a ground of objection there was much to be said. But if we looked at the phraseology of the right hon. Baronet at the head of the Government, this Bill was to put an end to all the evils which were the result of our large commercial system. The right hon. Baronet said it would check improvident speculation. The right hon. Baronet went further, for, by reading a list of the private banks which failed (of which he should presently show the inaccuracy), and coupling with it the probable consequences of the present measure, the right hon. Baronet produced an impression on the public mind that he was about to provide a sufficient remedy for those undue speculations which had led to such deplorable calamities. It seemed to him that the law, as it now stood, did all that legislation could do to place the circulation on a sound footing. And let the House understand that on the subject of the legislative measures passed since the war, he did not differ from those who passed them. He approved of the Bill of 1819, as being dictated by honesty and common sense. It put an end to a lie by Act of Parliament, and amounted to this, that Bank notes issued on a promise to pay, should be construed in the same was as if they conveyed any other promise. He approved of the legislation which put an end to the 1*l.* notes. He thought the Legislature rightly interfered not to regulate the amount in circulation, but to guard the poor and ignorant from frauds to which they were peculiarly liable. They had interfered to prevent the poor man from running up scores at public-houses. On the same ground, and on that only, it was right to prevent the circulation of small notes, because they went into the hands of the poorest classes, on whom fell the consequences of failures of banks without their having the necessary intelligence to judge of the solvency of the bankers. He thought a proper distinction had been drawn between the American system of banking and ours. He could not say that anything he had heard in that House or out of it, had proved that the disasters in America arose mainly from a bad system of banking. It was the consequence of a very wide system of speculation in all departments of trade. No doubt, the evils of this state of things were aggravated by the removal of the monopoly of the States bank, and the substitution of a system of banking, the best which human wit could devise, for ensuring perfect impunity to fraud in the circulation of small notes. There were not only dollar notes issued, but shin-plasters amounting only to half a dollar. These were circulated all over the country, it

being impossible to know the stability of the bank that issued them, and every evil of the worst system of banking was the result. He also thought Parliament had acted perfectly right on the last occasion of their interference, in 1833, when the Bank Charter was renewed, and when the establishment of joint-stock banks was guaranteed. It seemed to him that nothing was more absurd than to limit the number of those engaged in banking. Surely the object of a good system of banking was to provide as widely as possible for the solvency of the bankers. To limit the numbers was exactly the way to prevent this: but when the law authorised those large associations of persons, and made all responsible for the debts of the firm, it took a good precaution against the evils of insolvency, and one which he believed had fully answered its purpose; for whatever were the evils of joint-stock banks, since the estates of the parties became liable for their notes, there was always sufficient to guard the public against the evil of their not being paid. He believed there was no instance of the failure of a joint-stock bank where their notes had not been all paid. As he understood the proposal of the right hon. Baronet, he contemplated a still further change in the banking system. To ensure the solvency of bankers, and the convertibility of their notes, used to be the sole object at which the Legislature aimed; but the right hon. Gentleman wished to check an uncontrolled power of issue, and to limit the fluctuation of the currency as if it were entirely metallic. For this purpose, the right hon. Baronet proposed to effect a separation between the banking and the issuing departments of the Bank, and that beyond a certain amount no notes should be issued, except on the security of gold actually in the coffers of the Bank; and on the same principle, the right hon. Baronet proposed to do that which he (Mr. Buller) thought the most objectionable part of his plan, to do away with the issue of notes by private banks, sooner or later, altogether. For no man could doubt, that the right hon. Gentleman intended ultimately to put an end to all issues of notes by private banks, though as yet he had said nothing about the Scotch or Irish banks, knowing, perhaps, that these would be not unlikely to combine in formidable opposition. Let them rely upon it, however, that the right hon. Baronet merely postponed dealing with them in order that he might break the bundle of sticks to pieces in detail. He was taking the English banks first; when these were disposed of, then would come the turn of the Irish and Scotch banks. It appeared to him to be a most unsound principle to attempt to limit speculation by limiting a particular form of credit; the only effect of that attempt would be, that people would have recourse to some other form of credit, in all probability of a much less secure character. There was a phrase very generally made use of in discussions on this subject, which appeared to him to be the source, on all occasions, of very considerable error: he meant the phrase "paper money." It seemed to him that the term paper money was inconsistent with the proper meaning of the word money; because so far as he understood the word money, it meant some particular commodity, possessing intrinsic value in itself, which mankind, by common consent, had adopted as a medium of exchange. In this country gold had been adopted as the standard, because gold had an intrinsic value in itself; but the term money could hardly be deliberatively applied to anything which did not possess intrinsic value. Paper was merely a form of credit, highly useful because tangible, and easily transmissable, but still only a form of credit. It seemed to him that this was not a distinction without importance, because it distinguished the case of bank paper from the circumstances which lowered the value of money. Gold and silver money, like any other commodity, depended, in the first place, for its value on the cost of producing it, and secondly on the proportion of supply and demand. If you double the quantity of gold and silver in countries where they are the standard of exchange, you lessen their value proportionably. But paper money, having no intrinsic value in itself, depended for its value entirely on the gold or silver which it represented, and must be taken on precisely the same footing as bills of exchange, or checks on your banker, as simplified forms of credit and account. He did not understand how it could be imagined that by checking the issue of bank notes in the country you did anything beyond checking that particular form of credit; and it was clear to him that by checking that particular form of credit you in no degree

checked the disposition to speculate and give credit; all you did was to drive people to resort to some other form of credit. Really, to hear some hon. Gentlemen, any one would suppose that all the great speculations in this country had been carried on simply and solely by means of bank notes, and that all that was needed to stop speculation was to stop the issue of notes, whereas bank notes formed but a very small part of the paper circulation of the country. He had in his hand an account of the quantity of bills of exchange in circulation at a particular period of several successive years, derived from a work of very great accuracy and authority, and he found that while in the year 1839, for example, the amount of bank paper in this country was between 26,000,000*l.* and 27,000,000*l.*, the amount of bills of exchange in circulation at one time, in the same year, was 132,123,000*l.*, or five times the amount of the bank notes. It was, therefore quite absurd to talk of bank notes as being the circulating medium, the fluctuations of which were the sole occasion of the fluctuation of prices, or to lay it down so decisively as it was laid down, that prices could be kept steady by keeping bank notes within a certain limit. He would repeat, that the only effect of checking the issues of notes in the way proposed and intended, would be, that the people would have recourse to some other form of credit, to bills of exchange, and which could hardly be checked by the Legislature or by Government. You hear of 3,000,000 being done in one day at the clearing house, and of only 200,000*l.* of this being actually passed; this at once showed what proportion bank notes bear to the circulation. Suppose you were to put an end altogether to English country notes, and Irish and Scotch, depend upon it there was something in the credit system, in the speculative transactions of this great country, which had its roots deeper than any Legislature or any Government could reach. The whole matter depended upon the simple question of supply and demand; upon the disposition of mankind to speculate; and so long as seasons remained uncertain, so long as various circumstances continued from time to time to arise, interfering between supply and demand, so long as some men were fools enough to speculate unwisely, and others were fools enough to give credit unwisely, so long would all the disadvantages and evils of unwise speculation and unwise credit, and commercial crises continue to be experienced, without being at all obviated, as some hon. Gentlemen seemed to think, by putting down country bank notes. What did they expect to get by substituting one form of credit for another? It appeared to him, that of all forms of credit, bank notes were beyond question the safest. In bills of exchange you were much more liable to be deceived as to the solvency of the parties. He did not mean in the regular transactions carried on in this, and other great commercial places, where, in the usual course of business, such bills only passed, for the most part, among parties conversant with the character of each other; but, certainly, in the country towns to substitute bills of exchange for the notes of known banks, would be to substitute a form of credit of a much less substantial and secure description than that which now prevailed. Suppose that you, in the manner proposed, prevent a man in a country town from getting the accommodation he has heretofore obtained from the town banker, say 1,000*l.* for some purpose, you do not any the more check speculation, you only introduce another form of credit of a far less safe description, extending over a great number of persons, extending even to wages; whereas, as the matter now stands, it is simplified into a question of the solvency of the particular bank. The right hon. Gentleman did not in this Bill propose to interfere with the banking system of the private banks; all he applied himself to was what he called the great evil of country banks issuing notes of their own. The right hon. Baronet had given a list of eighty-one banks, which had failed in a certain period, of which twenty-nine were banks of issue. It was unfortunate that the right hon. Baronet had not given fuller details on the latter point. He found, from careful inquiries, that, since 1838, there had been only twenty-three bankruptcies of banks of issue. The others were London banks, which, not issuing notes of their own, could not be charged with having occasioned the evils attributed to over issue; he had also in his hand a list of bankers who had failed in consequence of their losses from other speculations unconnected with the banks, and who were only registered as bankers, because they held shares in joint stock banks. It appeared to him that nothing could be

more clear, from the whole evidence before the Committee of 1841, than the fact that the circulation of the country banks did not in any way add to undue speculation. Gentlemen seemed to imagine, that if a person in the country wanted to speculate, he had nothing to do but go to the country banker and ask him to lend him as much money as he wanted, and that the country banker was always exceedingly glad to accommodate his customer, and get interest upon the loan, by issuing as many notes as were wanted. Now, there was much overwhelming and decisive evidence from the country bankers of England and Scotland, that it was utterly impossible for any country banker at his pleasure to increase to any extent the amount of notes regularly circulating in his district. He could not coin money in this way at his mere discretion, or to any extent increase the local circulation; for all the bankers agreed in stating, that any banker who issued a quantity of notes that were not wanted for the circulation of the district, would have them returned to him by some other banker, or by his own customers, in a very few days, and he must supply cash to meet them. The fact was, that in this, as in all other commercial questions more especially, Gentlemen would take into consideration the various circumstances influencing supply and demand in order to account for results to which their attention was called; but seizing upon some one supposed prime agent, made use of it to account in full for all the phenomena that had presented themselves. He objected to this plan because it was a delusive plan, as purporting to guarantee the country against evils which no legislature, no government could guard it against. He objected to it still more because he considered, that as far as it could be operative at all, it would operate most injuriously by substituting an unsafe for a safe form of credit. He did not conceive the House was justified in interering with private interests, unless some decided public advantage could be shown. He did not see why the country banks should be branded as public enemies, or even as public officers. Parliament had never treated them as such, had never secured them a certain income, or given them salaries, and, therefore, unless some great public advantage were to be gained thereby, the House would not be justified in cutting down their profits. And what principle did the right hon. Gentleman adopt in limiting the circulation of the country notes? He had taken the average of the two years in which the circulation of these banks had been notoriously the smallest, and he had said that they should not henceforth carry their circulation beyond that point. Now, he had taken great pains to go through the lists in the Report of the Committee on Banks of Issue, and he found that the average amount of notes of country banks in circulation during the five or six years ending 1840, had been 11,000,000, whereas the average selected by the right hon. Baronet was only 8,000,000; so that he was going to cut down the circulation of these banks in this summary manner, to the extent of no less than 3,000,000, and the reduction would be even greater. When hon. Gentlemen gravely talked about the commercial crisis, the great trading failures of this country, being attributable to the issue of country notes, they had need to be told, as they had been told by his hon. Friend, that in France, where circulation is almost entirely metallic, the amount of bankruptcies is far greater in any given period than in this country. Further, let him ask, were there no parts of the country in which country notes did not circulate? Was there not the district within the monopoly of the Bank of England, extending sixty-five miles round the metropolis? Was there not Lancashire, in which no banks of issue existed? Were there not these two large districts, in which only Bank of England notes circulated, and had no bankruptcies taken place in these two large districts? He would answer the question. In Lancashire, free though it was from the alleged ruinous increase of country notes, 1,300 bankruptcies had occurred out of the entire number of 7,800 bankruptcies which had taken place in six years. In these 1,300 cases it could not be said that country notes were the source of the evil, and in these districts it was clear speculation was as rife as in any other part of the country. He could not sit down without complimenting the Government on the liberal disposition which they had shown in preparing and supporting this Bill, to derive information and council from the hitherto scouted Economists. It was highly satisfactory to see Government now throw aside that tone of contempt which heretofore was

indulged in by men in authority in this country towards men of science; to see that they were at last ready to take counsel with the great authorities in political economy, and not only to listen to their suggestions, but even to adopt their plans as Acts of Parliament. The very plan before the House, which the right hon. Baronet had so ably explained and commented upon, which doubtless would become the law of the land, and which the Government deserved the greatest credit for having brought forward, was the invention and plan, not of the Government, but of Messrs. Jones Loyd and Norman. He would, however, venture to suggest to the right hon. Baronet, that as he was thus disposed to adopt the views of the Political Economy Club, he would have done well to have begun with adopting those opinions on which that Club was unanimously agreed, instead of the present proposition, on which there prevailed among the Members of the Club considerable differences of opinion, and which the Government appeared to have adopted without mature consideration of those different views, seeing that the proposition involved several features which were new in political science. If the Government was really desirous of taking advice from the Economy Club, let them take their opinion on a subject on which they were perfectly unanimous, on which men of all schools in political science among them were entirely in accord; let them take their opinion on the Corn Laws, and thus begin at the right end.

Mr. *Masterman* was disposed to assent to the second reading of the Bill, but he must say he thought there was an injustice proposed in reference to the country bankers, which he hoped would be remedied in Committee. The average of the two years selected by the right hon. Baronet was notoriously much below the fair average of their circulation, and he trusted, therefore, that a higher average, extending, say over five years, would be taken. A memorial had been presented to the right hon. Baronet the First Lord of the Treasury on the part of the London bankers, which had in view the object of obtaining a power of expansion on certain occasions when it became requisite, but he feared from a communication which he had that the head of the Government could not agree to that power of expansion. He hoped, however, that a little further time would be given to consider the request which had been made, for it was one of very great importance. He thought it was a difficult point to settle that fourteen millions was to be the exact amount of money required at any particular period, or under any circumstances. Now, all that the bankers who signed the memorial asked, was, that the public mind might be set at ease, by granting a power of expansion to meet a particular crisis; and he could assure the House that the signatures to the memorial were attached to it from the most honest and correct feelings for the public advantage.

Mr. *Warburton* said it had been asked what was the object of the Bill? It was not to prevent speculation, for no Bill could prevent that—it was not to prevent bankruptcy, no Bill could effect that; but it was to insure convertibility. It appeared, from the evidence before the Committee, and from the statement of the hon. Member for Warwickshire, that the country bankers did not conform to the exchanges in their issues, thus omitting that which all the advocates of convertibility held to be indispensable. Now, the only objection which could be maintained against the measure was an objection having reference to that, and it was said, that as the Bank of England were to contract and expand its issues with the stock of bullion, there was not the same power given as regarded the country circulation. Now, he approved of the measure, although it did not give the same power to country paper to contract and expand as it gave to the issues of the Bank of England. It had been asked what would be the effect of appointing a maximum? The only consequence was, that in this great and wealthy country, the circulation of which was adequate for all its purposes, a small restriction was to be made, which was to be substituted by gold, and was it to be supposed that a country which could support an expenditure of 100,000,000*l.* in a year during the war could not meet that necessity, and that in order to provide for that restriction it could not provide once for all the small amount of gold that would be necessary in consequence of the diminution of paper currency? During the last year of the war the country endured an expense of 120,000,000*l.*, and could it then be imagined that there could be any difficulty in its providing three or

four millions of gold to make up for that restriction? He thought that the hon. Member for Warwickshire had exaggerated the effect of this measure in contracting the currency. Another statement of the hon. Member for Warwickshire was, that a great deal of gold was expected to be obtained by Russia from newly discovered mines, but that Russia was jealous of our power, and therefore Russia would not allow the gold to come to this country, but would keep all the gold to itself. Why, gold would pass over all obstacles, and when our army wanted supplies at Toulouse, Mr. Rothschild conveyed the necessary funds to them through the French lines. It was absurd to say that the comparatively poor country of Russia could lock up all the gold of its mines, and prevent us having it if we wanted it. With regard to the hon. Member for Lambeth, he had created a giant, and then he slew him. He had misrepresented the object of the present Bill. He said that its object was to prevent speculation and bankruptcies. Now, the Bill would do this, and did not profess to do this; and no one who was the advocate of it as increasing convertibility could say that it was intended to produce that effect. It was intended to ensure convertibility, and that it would ensure. With respect to the effect of additional credit in raising prices, it might be true that it did not produce a permanent rise of prices, but it produced a rise of prices for a time. It did not follow that because a depreciation was not permanent, it was, therefore, not the result of certain circumstances for a time; but it was quite evident, that giving additional credit—giving additional power to purchase, must have the effect of raising prices for a time. He was glad that the Government had refused the application of the London bankers to grant a power of expansion in times of peculiar pressure —he was glad they refused it, for agreeing to such a proposal would be quite fatal to the Government plan. It would be introducing the principle of expansion in the very time when the greatest difficulty would attend its introduction, and would be, so far as it went, opposed to the principle of convertibility in the plan of the Government. The only sound principle of convertibility appeared to be to take a fixed amount of gold and securities, and to allow the issue to contract and expand accordingly. He was of opinion, that the plan of the Government ought to be adopted, and that Ministers deserved the thanks of the country for it.

Mr. *Darby* said, that if the plan which was proposed to be adopted with regard to the Bank of England were confined solely to it, and not extended to the country bankers, it would produce a great deal of difficulty in the commercial transactions of those who had commercial transactions with country bankers. It was impossible to say what difficulties might ensue, if they left one portion untouched, whilst they touched upon another. The country bankers only demanded a power of expansion to meet the circumstances that might arise, and that the average should be taken for five years. At present the plan was placed on too limited a basis, and the country bankers complained of that, as it would be calculated to place those who received accommodation from country bankers in a difficult position. It had been stated before the Committee that a large amount of mercantile transactions and the business of manufacturing was effected by bills of exchange, and they ought to consider how those parties who used those bills of exchange were to be effected by the plan that was proposed by the Government. He had taken the trouble to ascertain the opinions of country bankers on this point, and they all agreed in anticipating great difficulty from the proposed plan, if there were no alterations. He admitted that the country bankers might often, at particular periods, formerly have made over issues, but within the last few years they had contracted their issues, and had been particular in avoiding any over issue. He had listened with attention to the plan of the Government, and to the debate on it, and he was of opinion that there ought to be in certain cases such an expansion as would meet the wants of the public. The wants of the public might be questionable in some cases as to its meaning, for instance, an individual carrying on any speculation might, in order to extend his operations, require more accommodation, and yet it could not be said that the public required it; but there were, notwithstanding, particular periods in which the wants of the public, without reference to speculation, required additional extension, and whether the refusal to grant it would produce great difficulty and inconvenience, and cause persons to contract their regular commercial opera-

tions. He had many communications with country bankers, and he was bound to state that they did not agree with the hon. Member for Lambeth in his views. The hon. Member for Lambeth said that the advantages of a mixed currency was, that when gold flowed out of the country, the mixed currency would not be affected by it. Now, that was as much as to say, that the less gold the more notes, and the more gold the less notes, which was not, in his opinion, a sound principle. The country banks admitted that, if there was a restriction as regarded the Bank of England, there ought also to be a restriction as regarded the country banks, but they complained that the maximum fixed for country bankers was not sufficient. If they took away a portion of the accommodation which parties had hitherto received from country bankers, would they desire to see it made up for by small bills of exchange? It was worth considering whether or not they might not superinduce greater evils in that respect by their plan than those they sought to remedy. They ought to begin the change which they were about to introduce on a sound basis, and not to take a course that might create great inconvenience. Those who were best acquainted with the subject were anxious that this measure, which was still only an experiment, should be proceeded with in such a manner as would not cause commercial operations to be contracted, or injuriously affect the general commercial interests of the country.

Mr. *Gisborne* was opposed to what he considered to be the injudicious course, on the part of the Government and the Legislature, of endeavouring to restrain and direct credit, as regards the commercial transactions of the country, by Act of Parliament. The subject had been covered under a load of blue books, and smothered by Parliamentary Returns; and a vast amount of ingenious discussions had been expended on it at both sides of the House; but if any hon. Member were to bring common sense and a moderate acquaintance with commercial affairs to the discussion of the subject, he would be more likely to come to a proper conclusion with reference to it, than the most subtle disputator, or the most able pamphleteer—whether such pamphleteer were the hon. Member for Halifax or the Tower Hamlets. The question for them to consider was, whether every person in a mercantile transaction was to trust whomsoever he pleased, and under what circumstances he pleased. The negative of that was the principle of the Bill, but he maintained that every man engaged in mercantile transactions, ought to trust whom and how he pleased. No man could say that generally, and in the abstract, the Legisture ought to control mercantile transactions; but the advocates of one bank of issue, analysed credit to its elements, and said that it ought to be restricted by law. To put a simple case, if A went to B, and said he wanted to buy goods, B not knowing him, would not credit him. A said that he had the promise of C, whom B knew, to pay in three months, and B then said that if A signed his name on the back of the bill, to indicate that he would pay it in case C did not, then he might have the goods. That was a transaction which went on constantly in this as well as in all other mercantile countries, and it was one of a nature which did not require to be interfered with; and the advocates of interference admitted that it was a perfectly harmless transaction. They said, however, that if the promise of C to pay, instead of being a promise to pay in three months, was a promise to pay whenever he was asked, that then it assumed a character which made it absolutely necessary to interfere. They knew by Returns laid on the Table of the House, that there were immense transactions constantly carried on by that means, and that comparatively a small amount was carried on by promises to pay on demand; and yet the Legislature thought fit to interfere with the smaller proportion of those transactions, whilst they did not interfere with the larger. The next argument was, that the State ought to have credit in its transactions. He was perfectly willing that if the State had credit, it should use it in the same way as any other party. He was willing that his right hon. Friend the Chancellor of the Exchequer, when he had payments to make, should use his credit. He should like to see him cut up his deficiency bills into credits. In that case he would be better off, however, than other parties; for while others would be required to promise to pay, it would only be necessary for him to promise to receive. If he would have written upon shreds of paper, "I promise to receive this for 1*l.* in any payment into the Exchequer," and sign it "Henry Goulburn,"

he thought he would find it the most popular form of credit that had been known in the country, and the Government would derive great benefit from it. Of course, this could only be done as far as the recipient was willing to take it, and then there was a security against any depreciation. The next argument against the permission of issuing bank notes was, that the multiplicity of issues led to excess. That argument was perfectly inconsistent with reason and with the evidence taken before the Committee. What proof was there of excess? Gentlemen spoke as if there were persons disposed to issue notes without a consideration. But no man could get a bank note without either buying it or hiring it, and if both that party and the issuer could make a profit of the transaction, he considered that a proof that the note was wanted, and that there was no excess. It was said again that paper was not only depreciated itself by excess, but that it depreciated the gold. That argument was founded upon just principles, and principles which he thought were at the bottom of this question. The phrase, however, which he should use, was not that the gold was depreciated, but that the paper prevented its appreciation at its due value. It was indisputably true, that every form of credit whether a bank note or a bill of exchange, prevented the appreciation of gold. The right hon. Gentleman when he introduced this measure, gave the House a very clear definition of "a pound." He (Mr. Gisborne) would now give a short definition of "money." Money was simply the instrument by which we effected more barters or exchanges of commodities, which always must be the ultimate result of all commerce and trading. It was impossible to deny that the precious metals were a safer currency than any other; but they were at the same time a more expensive and cumbrous one. If credit were perfect, we could dispense with currency. If men who were trusted by everybody could go to and fro like the precious metals to effect the exchange of commodities, we should dispense with the metals. And this was the whole effect of paper. Another charge against bank notes was, that they would endanger the convertibility of gold in the country, and none had ever said that it was doubtful whether the Bank of England would pay. But it was a mere question of expense. The Bank has always been able to pay. Gentlemen had also talked of a national degradation from the Bank of England going to the Bank of France for gold, but the Bank must get gold where it could, and so long as it had anything to give in return, there was no degradation. The only risk of convertibility on the part of the Bank, which we saw, was compelling the Bank to lend 14,000,000*l.* to the Government, which it had not power to call in. He contended, that all interference by legislation with the credit between man and man, was mischievous, and had been attended by a series of disasters. In Scotland we had made no law, and had no calamity. We had left the Scotch to decide whom they should trust, and they determined to trust none but safe banks; while England and Ireland we had endeavoured to control the circulation, and the result was too well known. What he contended for was, that the people should be left to judge for themselves. Take off your leading-strings, and the child would soon walk very well, and would have fewer tumbles, and broken heads, and bloody noses than under your guidance. Since the circulation had been taken into the hands of the Government, we had had nothing but a series of calamities, which were made the pretext for further legislation. On these grounds he should support the Motion of the hon. Member for Lambeth.

Sir *R. Peel* must say that having listened with great attention to the speeches which had been made in the course of the discussion, he could not reconcile the opinion of any one man who had spoken in favour of the Motion of the hon. Member for Lambeth, with the maintenance of the principle upon which this Bill was founded. They all professed to recognise the great doctrine of a metallic currency —they all admitted that we ought to maintain a metallic standard, but there was not one of them, from the hon. Gentleman who had commenced the debate, to the hon. Gentleman who had just concluded his speech, who did not appear to entertain an opinion—whatever the professions might be—that a metallic standard ought to be abandoned. [Mr. *Hawes*: "No, no."] The hon. Gentleman had certainly been loud in his professions of adherence to a metallic standard, and to the great principles upon which the Report of the Bullion Committee was founded, but although the commencement of the

hon. Gentleman's speech was a declaration that the determination of that Committee was right, yet the hon. Gentleman argued that the facts which it had collected led to a different conclusion. The hon. Gentleman said that paper was not depreciated during the suspension of cash payments. That he did not expect to hear, and he had never before heard such a declaration from any one who professed an adherence to the opinions of the Bullion Committee. A declaration more hostile to that Committee than for the hon. Gentleman to state, this night, in the year 1844, that during the suspension of cash payments, inconvertible paper was not depreciated. What then, were all the attacks upon the Bill of 1819, he had never heard, for restoring a gold currency without foundation? Was it untrue that the agricultural produce of the kingdom was raised in price during the war, in consequence of an inconvertible paper currency, and did the return to cash payments make no difference whatever in all the engagements that had been entered into? The hon. Gentleman said you might have sent any quantity of gold to the Continent at any time, and purchased articles as cheap there as in England, and realized as large a profit here, and the hon. Gentleman referred to various articles for the purpose of showing that prices were not affected by the paper being inconvertible. Why, how vain was the discussion as to prices at particular periods, for the purpose of drawing any inference from them as to the state of the currency. Look at the prices of manufactured cotton. That was the argument which the late Mr. Alderman Waithman was continually using. He said, "While you require the same amount of taxes, the price of cotton goods has fallen off." But surely, with the improvements in machinery, with the reduction of the price of the raw material, and with our great command of capital, it would have been marvellous if there had not been a great decrease of price. And what inference did the hon. Gentleman draw from the prices of those particular commodities with respect to the currency? Did the hon. Gentleman know what took place with respect to silver during the Bank Restriction? The hon. Gentleman said, "Oh, you must not estimate the depreciation by the price of gold." But did the hon. Gentleman recollect, during the suspension of cash payments, an attempt to issue silver? That was not then a legal tender: it was not the standard of value. Certain dollars, however, were issued for the purpose of supplying the place of gold, and it was discovered that the silver dollars soon followed the gold guineas, and disappeared from circulation. The hon. Gentleman said paper was not depreciated. But as an Order in Council was issued increasing the value of silver, and what had been issued at 4*s.*, the Mint price, was allowed to circulate at 4*s.* 6*d.*, and this kept the silver currency in circulation. A new value was given to the dollar, according to the depreciated value of the paper; and what you had attempted in vain tocirculate at the Mint price, as soon as a new value was placed upon it, according to the depreciated paper, remained in circulation. For the hon. Gentleman to contend that, during the inconvertible paper currency, it was not depreciated, and prices were not affected, was a blow at the Report of the Bullion Committee which he should not have expected from one who professed to adhere to its opinions. It was a contradiction of facts which he thought every man acknowledged. If the doctrine of the hon. Gentleman were correct, he should not have escaped much abuse and calumny for attempting to restore gold currency in 1819. The hon. Gentleman had referred to the United States, and to the pamphlet of M. Galatin, for the purpose of showing that the analogy of the United States was inapplicable to this country. Why should the example of the United States be inapplicable to this country? There were joint-stock banks in the United States—there was a paper currency, nominally convertible into gold on demand. As far as regarded the parties and their property, there was every appearance of a perfect guarantee for solvency; but there was unlimited competition of issue, and the consequence was bankruptcy and general failure. In 1811, there was in the United States the State Bank, in some respects corresponding to the Bank of England—having an imperfect control over the issues, because it was well conducted, and maintained the principle of convertibility; and as the notes of other banks could be turned, by exchange, into notes of the central bank, it possessed some control over the issues of other banks. In 1811, the first central bank was abolished. In three years afterwards there was a uni-

versal suspension of cash payments, in consequence of that imperfect check having been removed. In a few years afterwards—about 1818, another central bank was established, and it ceased in 1833. Again, in a few years all the banks of the United States, twice in succession, were found suspending their specie payments. Was not that a strong proof of the advantage of a central bank, and of a complete control over the issues? This was an example of another country of great resources, with a large amount of capital, sufficient to command good banking establishments; and if he showed that on two occasions, within a short period while a central bank existed, that other establishments were preserved, and that after the control of the central bank had been removed by the Government, notwithstanding regulations to ensure solvency, notwithstanding the universal profession of convertibility, there occurred universal bankruptcy, and suspension of cash payments, he thought that was a case perfectly applicable to this country, and a proof of the advantages of central control. He would take the opinions of the two highest authorities in the United States on this subject. He could not name two higher authorities than Mr. Galatin and Mr. Webster. And what said Mr. Galatin, who had been quoted by the hon. Member for Lambeth? He said that

"The creation of new state banks to fill the chasm which was the natural consequence of the dissolution of the bank of the United States, and, as was usual under such circumstances, the expectations of great profits, had led to the establishment of a greater number than were wanted; and as the salutary regulating power of the bank of the United States no longer existed, the issues were increased beyond what circumstances rendered necessary,—that it was his deliberate opinion that the suspension might have been prevented at the time it took place had the former Bank of the United States been in existence—that the exaggerated increase of the state banks occasioned by its dissolution, would not have occurred had that bank still have retained power over those bodies and checked their issues."

If the example of a great country, and the authority of great writers, could have any bearing upon this country, that example and that authority were in favour of his argument. But what said Mr. Webster, in his speech on the Treasury Bill, on the 12th of March 1838, effecting the banking of that country.

"I lay it down as an unquestionable principle that no paper can be made equal and kept equal to gold and silver but such as is convertible into gold and silver on demand; but I have gone further, and still go further than this, and I contend that even convertibility, though itself indispensable, is not a certain and unfailing ground of reliance. There is a liability to excessive issues of gold, even while paper is convertible at will. Of this there can be no doubt. Where, then, shall a regulator be found? What principle of prevention do we rely upon?"

Here was a gentleman, not indulging in speculation, but acquainted with the principles of banking in the United States, originally adhering to the doctrines of Adam Smith and Mr. Ricardo, that convertibility on demand was sufficient to check issues, yet, warned by experience, in his own country, acknowledging that with unlimited competition even convertibility on demand was not a security against over issue. If the United States were to be quoted at all, it was in favour of the principles embodied in the present Bill. And what was the case in our own country? Did he propose to disturb any perfect and successful system of currency? He took it for granted that they all adhered to a metallic standard and the principle of convertibility, but it was said, agreeing with those principles that there was not sufficient ground for interference? Why, what was our experience during the last twenty years? In that period had we not many proofs of the necessity of legislative interference to maintain the principle of convertibility. There had been four monetary crises — in 1825, 1832, 1836–1837, and 1839—and there was in each of these, an increase in the issues of country bank paper; in each there was proof that the issues were not made conformable to the exchanges, but that an increase of the country bank paper had taken place, when, if there were truth in the principle for which he contended, there ought to have been a reduction, and thus in each period there had subsequently arisen the necessity for a rapid and ruinous contraction. The hon. Gentleman who had spoken last had said, that the Bank of England was always able to protect itself, and to prevent its notes from being discredited. He knew it was. He knew that when the paroxysm was at its height, and it became the duty of the Bank to make great efforts, it could by means of great sacrifices, save itself and ensure

continued convertibility. The Bank could always maintain its credit; it could always cover its own notes; but by a tremendous sacrifice of the mercantile and other interests. That was what he wished to prevent, and it was not to do that which had been attributed to him, of leaving the country banks wholly at the mercy of the Bank of England. So far was he from doing that, that he would compel the Bank of England to conform to certain principles, advantageous to the public and to private bankers, which, at certain periods of monetary crises, the Bank had neglected. He wished to prevent the Bank from doing that which it has done—from issuing its notes to meet the demands for deposits. He said to the Bank, there were certain principles laid down, and it must conform to them—that it might issue notes on securities, but to the limited amount of 14,000,000*l.*—the whole of the issue above that amount must be based on gold. But then it was said this would be a great restriction upon the issues. Now, they took security against the possibility of there being too great a restriction upon the issues, because if the Bank restricted the issue of its notes till they became more valuable than coin, then every man had a right to take gold to the Bank and get notes for it. That was his answer to the objection; and those who did not admit it to be a good answer, did not admit the principle upon which the measure is founded. The principle is, that as the paper promises to pay in gold, it ought to conform to gold; and he said it would be no accommodation whatever to commerce if bankers were to be allowed to coin their personal credit into money instead of their capital. He said then, that every precaution has been taken on the one hand, that the Bank shall not issue paper beyond the proper amount by compelling the Bank to give notes in exchange for gold. And on the other hand, we take security that the Bank shall not restrict its issues below the necessary amount, by giving to the holder of gold the power of demanding bank notes. But then it was said that restriction imposed upon the issue of private paper would subject the country to the greatest inconvenience. It was said, also, that the only effect of their interference in discrediting the paper issues of the private banks would be to make men invent some other species of paper credit for themselves, to be substituted for country notes. Now, if country paper were necessary to agricultural prosperity, why had not that question been answered which he had put before? Why was it that in eight or ten of the greatest agricultural counties the issue of the country paper does not exceed 1,300,000*l.*? He had shewn that in Sussex, Middlesex, Kent, Surrey, Cambridgeshire, Oxfordshire, part of Norfolk, and the greatest part of Suffolk, all situated within a radius of sixty-five miles from London,—that in all those counties the necessity of the district were provided for by an issue of country bank paper to the amount of only 1,300,000*l.*; and supposing that the country banks were to restrict that issue, do not believe that the Bank of England would refuse to supply its place. Or supposing the country banks should wish to substitute the Bank of England paper for their own—to deal with the Bank of England as no less than sixty banks dealt with it at this moment—the Bank of England would give them its paper and pay a commission of 1 per cent. on the use of it. If the restrictions on the issues of country paper would, as it has been said, lead to the issuing of bills of exchange to supply its place, why, he asked, have they not been issued within the districts to which he had referred? The Bank of England provides a circulation for that district, amounting, I believe, to 6,000,000*l.*, the remainder 1,300,000*l.* being supplied by country bank paper. Why have not bills of exchange been used there? Because the circulation is sufficient, and because there is confidence in the Bank of England. It is said that the inhabitants of that district are accustomed to the use of Bank of England paper, but that there will be a prejudice in other parts of the country against it. Depend upon it, a very little experience would remove that difficulty, and that a very short trial would remove the prejudice which it is supposed exists against the circulation of Bank of England paper, which would soon be found acceptable in the agricultural districts. But would they tell him how it happened that in some of the principal manufacturing districts there are scarcely any banks of issue, and that the whole of their wants are supplied by Bank of England paper. Take Birmingham for example. He apprehended, that no great proportion of the paper used in that town consists of country notes. The Bank of England at

this moment circulated 621,000*l.* in notes in Birmingham, and he doubted if there was 100,000*l.* more in country notes. [Mr. *Muntz*: Not so much.] Then that was the amount of paper circulation in that great manufacturing district. There they contrived to carry on their trade, and yet required only a paper circulation of 700,000*l.* and still but 100,000*l.* of that was in country notes. Were there any Bills of Exchange issued there to supply the deficiency of the circulation? If there were any apprehension as to the Bank of England paper, there could be a supply of country paper in the district; but the proportions in which they circulated were as had been mentioned. If there were a deficiency, did Bills of Exchange supply it? [Mr. *Gisborne* believed they did.] He doubted it very much, at least he never heard that the circulation were supplied by Bills of Exchange. Of course there were Bill of Exchange used for the purpose of commerce; but he had never before heard that they had been issued for the purpose of supplying the local circulation of 5*l.* notes. The circulation of Gloucester was supplied by the Bank of England with notes to the amount of 107,000*l.* At Manchester it might be supposed that its great commercial transactions would be supplied by the notes of country banks. The Bank of England supplied it with a circulation of 2,167,000*l.* He believed that almost the whole of the circulation of Manchester was supplied by the Bank of England. Now, he had never heard of a want of circulation in Manchester. The notes of the Bank of England were sufficient. They had Bills of Exchange there for carrying on their great transactions, but not for the purpose of supplying in any way a local circulation. In Liverpool the Bank of England supplied the circulation to the extent of 1,000,000*l.* They might depend upon it that where a vacuum was felt, notes would be issued consistent with the principle which the maintenance of the standard of value required. They might depend upon it that the Bank of England would be willing to fill up the vacuum, but if the Bank of England were unwilling, then they had not to depend upon its good will, for they had always had it in their power to command the issue of Bank of England notes. Let it be supposed that there was a restriction to the amount of one ninth on the country issue, then the country banks and the joint-stock banks would have nothing else to do than to keep in London such an amount of available securities as would enable them to command and ensure Bank of England notes to supply the banks in the country. If the Bank should refuse, which the Bank would not—if it should refuse to issue paper to supply the void, then they did not depend upon the good will of the Bank, they could by a small sacrifice have the void supplied by the exertions of the country bankers. All that was required from them was, not to submit to a restriction which would be an inconvenience. They could, by a deposit of securities, command a supply of paper, and with a small amount of difficulty than under the present regulations. The hon. Gentleman asked him to define what he meant by money? and the hon. Gentleman said that he had not, on a former occasion defined it. Now he had already stated that by money he meant either the coin of the realm or that species of paper credit, named a promissory note, which, passing from hand to hand, and not requiring any personal guarantee beyond the credit of the issuer, supplies the place of money. He stated that he thought there was a clear distinction between a promissory note payable on demand, without any personal guarantee beyond the credit of the issuer, and any other form of public credit; and that he had a strong impression, that if they wanted a metal standard, with a circulating medium supposed to take the place of gold, it could not be maintained upon any other basis than the actual and instant convertibility of the paper in circulation. With that system he thought they might leave without restriction and interference those other forms of paper credit, which are a proper superstructure on the basis of a metallic circulation and a paper circulation equivalent in value to gold. The hon. Gentleman opposite said, that they ought not to interfere with the dealings between man and man; another hon. Gentleman said, that though private banks had failed, there was no instance of misconduct on the part of joint-stock banks. That hon. Gentleman, however, corrected himself by saying, that there were no proofs that in the ultimate winding-up of the affairs of these banks, the notes issued by them had not been paid to the holder. Why that might be true—it might be that

by calling upon all the unfortunate shareholders in those banks, they had contrived after the lapse of, perhaps four or five years, to pay the holders of notes; but he did not think that the House would be of opinion that that was a satisfactory arrangement. The hon. Gentleman, the Member for Nottingham (Mr. Gisborne) said, that he should vote for the proposition that there was not sufficient evidence to justify an interference with banks of issue—what evidence would the hon. Gentleman have? He had already stated the dividends paid by a number of banks of issue: and he held in his hand a detailed account of the failure of different banks, among which he found the Bank of Manchester, the Northern and Central Bank, the Norfolk and Norwich Joint-stock Bank, the Commercial Bank of England, the Imperial Bank, the Yorkshire Agricultural and Commercial Banking Company, the Isle of Wight Joint Stock Company, the Isle of Man Bank, the Leamington Bank, and several others, which present such details of fraudulent practices in many instances as he had never before heard of. These instances clearly proved the policy of interference to the extent which he proposed, namely, requiring that the original prospectus should be deposited, that the names of partners should be given, and that there should be some provisions, imposing a responsibility on the directors who are to govern the establishments. If he wanted conclusive proofs of the policy of interfering with respect to the future regulations of joint-stock banks, the statement which he held in his hand, would afford that proof. Here for instance, is the Commercial Bank of England, with a nominal capital of 500,000*l.*, and a paid-up capital of 260,000*l.*, started in the year 1834, and which by the year 1840 had lost its entire capital, and about 30,000*l.* or 40,000*l.* in addition. In February 1840, only four months before it came to an end, the directors stated to the proprietors, that "they continued to stand firm in the confidence of the public," and that "the profits of the bank for the previous half-year had been larger than for any similar period since its establishment." This bank had advanced to one man 180,000*l.*, and one of the directors stated, that that man could not have got credit for 500*l.* for two years in the town in which he lived from any other establishment. Although these banks acted in this reckless manner, these were all banks of issue, and their notes were freely circulated amongst all classes of society, from the wealthiest down to the very poorest. These parties were all subject to the consequences of these reckless proceedings, and yet the hon. Gentleman said, that Parliament should not interfere with these banks in any way. The hon. Gentleman said, that these banks ought to be left to themselves, to do as they pleased, as was the case in Scotland. But he (Sir R. Peel) said, that when they found these banks establishing themselves in towns, and buying up the private banks, in order to make and extend their connexion; when he saw that the notes issued by these banks were imposed upon all sorts of persons, many of whom had not the power to reject them, he considered that there was an amount of misery entailed upon society which called aloud for the interference of this House. He was not condemning all the joint-stock banks; on the contrary, he believed that many of them had conferred great benefits upon society; but it was by the legitimate application of their capital in advancing loans upon fair interest. But he said it was fair to the respectable establishments, conducted in this manner, to protect them from the injury which must be done to them, in common with the community, by the reckless proceedings of other establishments, which were not conducted with any regard to fair commercial principles. The hon. and learned Member for Liskeard complained, in the course of his speech, that there had been some misapprehension in the returns of the number of failures of bankers since 1838, owing, as he said, to persons who had become bankrupts from other causes, but who happened to be shareholders in joint-stock banks, having been described in their fiats as private bankers, and the hon. and learned Gentleman referred to the highest authority, namely, the returns in the Accountant's Office in the Court of Bankruptcy, in confirmation of what he said. A statement of this kind had come to him (Sir R. Peel) before, and he immediately wrote to Mr. Montague, of that office, requesting him to make some enquiry into the subject. Mr. Montague wrote him a reply, which he would read to the House. Mr. Montague stated—

"It is perfectly true that there had been some persons against whom fiats had been

taken out, who had been wrongly described as bankers, because they happened to be shareholders in country banks; but that the whole number of these cases was only six out of eighty-six."

So that there had been an error as the hon. and learned Gentleman had stated, but only to a very small amount. He had stated so fully on a former occasion the principal grounds upon which he supported the measure now proposed by Her Majesty's Government, that he would not, at this late hour of the night, detain the House by going any further over the same grounds. He trusted that the House would bear in mind, that during the last twenty years there had been four decisive proofs, at four distinct periods, that under the present system of currency, the principle of convertibility was endangered. The first was in 1825, when the Bank was exposed to the greatest danger, brought on not altogether by the increase of country bank paper, but because there had been a great increase of the circulation at a time when, if the effects of the exchanges had been properly attended to, there ought to have been a reduction. In 1832, again there was a panic in the commercial world, and the Bank was again endangered; and the circumstances under which the danger was then averted, if he were to enter into an explanation of them, were of such a nature as only to confirm the principles which he was now contending for. In 1837 and 1839, there were fresh panics, attended by similar circumstances. The Manchester Chamber of Commerce declared that those distresses were consequent upon the fluctuations in the circulating medium of the country, and added, that from this cause there had been a loss upon five articles of manufacture, including woollen and hardware, of 40,000,000*l.* of capital. The hon. Member for Stockport (Mr. Cobden) gave evidence before the Committee of the enormous amount of loss of capital, and of moral and social misery which had been the result within a very short period of these fluctuations. The hon. Member for Paisley referred to the year 1839, and asked what they could do if such a state of things were to come again, and the bullion in the Bank were reduced from 9,000,000*l.* to 2,000,000*l.*? Now, to this, he (Sir R. Peel) answered that he hoped that the Bank of England by acting on the principles of this measure, would avert the possibility of such an occurrence. In 1839, the Bank of England had to lean for assistance upon the Bank of France, tending to introduce confusion and embarrassment into the monetary affairs of this country. Therefore, in twenty years, proofs had from time to time been afforded that the present system was objectionable. It was the duty of the Government to propose measures which they thought would be effectual for the amendment of that system; and yet taking care not to harm existing interests. They knew the difficulties they might have to contend with, if a combination of personal interests were permitted to prevail, but they had acted from a sense of public duty, and to all the great principles of the measure before the House they steadily adhered. If difficulties were thrown in its way the House must make itself responsible for them, and not the Government, if the present measure failed and a period of increased issue again arrived. If that should happen, and again unwarranted speculation should ensue from that increased issue, Ministers would have the satisfaction of reflecting that they had given the advice, and taken the course which they thought best calculated to avert the evil. They were not wild enough to suppose that this measure would prevent all undue speculation or insure an invariable paper currency; but there was a species of speculation dependent on an undue issue of paper, which they hoped the measure would check. Speculation could not be prevented in a commercial community, but it might be aggravated by a species of paper credit within the power of Parliament; and though Ministers did not hope nor aim at checking legitimate speculation—though they admitted that they could not prevent illegitimate speculation, which was, perhaps, necessarily incident to mercantile enterprise, particularly in a country like this—still they asked Parliament by assenting to this measure, not to aggravate evils it could not control, nor refuse to check those which came properly within its jurisdiction.

Mr. *W. Williams* rose amid loud cries of "Divide." He said, that he did not wish the debate to be adjourned because he was opposed to the Bill, for he meant to support it in all its stages, but because it was a measure of great importance, affecting various great interests, and upon which many hon. Members might wish to

speak. If it were the wish of the House that no adjournment should take place, he was quite ready to avail himself of the opportunity of delivering his sentiments on a future day on the question that the Speaker leave the Chair for the purpose of going into the Committee.

Colonel *Sibthorpe* vindicated country bankers, and maintained that they formed a body of the utmost respectability; if he had 100,000*l.* in money he would rather entrust it to country bankers than to the monopolising Bank of England. The two right hon. Baronets (Sir R. Peel and Sir J. Graham) had abandoned the opinions they expressed in 1828, and the hon. Member for Montrose (Mr. Hume) was now opposed to opinions he had formerly delivered.

Mr. *Plumptre* felt some apprehension as to the probable bearing and tendency of this Bill. Different shades of feeling prevailed among the private bankers generally with regard to the measure, but he believed that the great proportion of them were strongly opposed to it. At the same time, the majority of the body did not wish to obstruct its present progress. There were, however, certain details which they hoped might be altered while the Bill was passing through Committee. The right hon. Baronet had intimated that he intended to leave the private banks much in the same situation in which he found them, but that could not be the case, when he took as the standard of their issue the average issue of the last two years, those years being periods of great contraction. He thought, at all events, the right hon. Baronet ought to give them the maximum instead of the average issue during that time. His fears with respect to this measure were not so much with reference to the effect it might have upon private bankers, as to its effects on the interests of the country generally. He would not, however, obstruct the progress of the Bill in its present stage.

Mr. *Muntz* disagreed entirely with the right hon. Baronet as to the most important point in the Bill—namely, the amount of the standard of value. He could never carry out the provisions of this Bill, as long as he maintained the present Corn Laws. While the price of corn was 50 per cent higher in England than in the rest of Europe, the price of gold could not be maintained at the same rate. The two measures could never work consistently together. The right hon. Baronet having acknowledged the rate of exchange and the depreciation of silver (which was 5*s.* 6*d.* and not 4*s.* 6*d.* the dollar); how could he expect effectually to carry out the principle which he now laid down? The official value of our exports in 1815, was 42,000,000*l.*, and the declared value 51,000,000*l.* In 1843, the official value was 117,000,000*l.*, and the declared value 51,000,000*l.* These facts strikingly illustrated the extreme variations which took place in consequence of the variation of the value of money. If this Bill were carried into effect, the pressure would be so great on all classes in this country, that it would be impossible to maintain the Corn Laws. He was not, as had been represented, for fixing the standard of value by the price of corn. He was an advocate of the principle laid down by Adam Smith, who said,

> "The best standard of value is the average price of corn, but as the variation in the price of corn, from the change of circumstances and the seasons, makes a vacillation in that, the best standard that can possibly be adopted is the silver standard after it has been originally fixed by the price of corn."

It was on that point, and almost only on that point, that he (Mr. Muntz) differed from the right hon. Baronet. Every measure proposed during the last thirty years for the improvement of the monetary system of this country had been unsuccessful. That was a serious consideration for those who supported the present measure. The name of Mr. Jones Loyd had been brought forward in connection with the present Bill. He was satisfied that the Bill was on the plan recommended by Mr. Loyd; but the right hon. Baronet was not on that account to be found fault with for adopting it. The Gentlemen who usually oppose the Government were now supporting them, simply because the measure was in accordance with Mr. Loyd's views. He could understand that, but he could not understand how Gentlemen who wanted to keep up the value of their property by an artificial law, could consent to the destruction of their property by supporting the present measure.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 185; Noes 30: Majority 155.

List of the AYES.

Acland, Sir T. D.
A'Court, Capt.
Acton, Col.
Adderley, C. B.
Aldam, W.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Bailey, J.
Baillie, Col.
Baird, W.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Baring, T.
Barnard, E. G.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bentinck, Lord G.
Blackburne, J. I.
Boldero, H. G.
Botfield, B.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Brisco, M.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Chapman, A.
Clay, Sir W.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt.hn. Sir G.
Collett, W. R.
Collett, J.
Colvile, C. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Currie, R.
Darby, G.
Denison, W. J.
Denison, E. B.
Dickinson, F. H.
Divett, E.
Duncannon, Visct.
Duncombe, hon. A.
Dundas, D.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Elphinstone, H.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Evans, W.
Farnham, E. B.
Filmer, Sir E.
Fitzmaarice, hon. W.
Flower, Sir J.
Forster, M.
Fox, C. R.
Fox, S. L.
Fremantle, rt.hn. Sir T.
Gaskell, J. Milnes.
Gladstone, rt.ho. W. E.
Gladstone, Capt.
Glynne, Sir S. R
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, P.
Greene, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, J.
Heathcoat, J.
Heathcote, Sir W.
Henley, J. W.
Hepburn, Sir T. B.
Hill, Lord M.
Hillsborough, Earl of
Hodgson, R.
Hope, hon. C.
Howard, P. H.
Howick, Visct.
Hughes, W. B.
Hume, J.
Hussey, A.
Hussey, T.
Ingestre, Visct.
James, W.
Jermyn, Earl
Kemble, H.
Kirk, P.
Knatchbull, rt.hn. Sir E
Knight, H. G.
Lascelles, hon. W. S.
Legh, G. C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lyall, G.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
McNeill, D.
Mainwaring, T.
Marshall, W.
Martin, J.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Mildmay, H. St. J.
Mitchell, T. A.
Morgan, O.
Murray, C. R. S.
Neeld, J.
Nicholl, rt. hon. J.
Norreys, Lord
Packe, C. W.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Philips, M.
Pigot, Sir R.
Plumptre, J. P.
Pringle, A.
Rice, E. R.
Rolleston, Col.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Shaw, rt. hon. F.
Smith, A.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stansfield, W. R. C.
Stanton, W. H.
Stuart, H.
Stock, Mr. Serj.
Strutt, E.
Sutton, hon. H. M.
Thesiger, Sir F.
Thornley, T.
Thornhill, G.
Towneley, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Vernon, G. H.
Vesey, hon. T.
Vivian. J. H.
Vivian, J. E.
Waddington, H. S.
Walker, R.
Warburton, H.
Wawn, J. T.
Whitmore, T. C.
Williams, W.
Wood, C.
Wortley, hon. J. S.
Yorke. H. R.

TELLERS.

Young, J.
Baring, H.

List of the NOES.

Aglionby, H. A.
Benett, J.
Blewitt, R. J.
Borthwick, P.
Brocklehurst, J.
Busfeild, W.
D'Eyncourt, rt.hn. C. T
Duncan, G.
Fielden, J.
Ferguson, Col.
Ferrand, W. B.
Forbes, W.
Gisborne, T.
Hastie, A.
Hoskins, K.
Johnson, Gen.
Mitcalfe, H.
Morris, D.
Newdegate, C. N.
Ogle, S. C. H.
Rashleigh, W.
Redington, T. N.
Scott, R.
Sibthorp, Col.
Strickland, Sir G.
Talbot, C. R. M.
Trollope, Sir J.
Wallace, R.
Wodehouse, E.
Worsley, Lord

TELLERS.

Hawes, B.
Buller, C.

Bill read a second time.

House adjourned at a quarter before two o'clock.

HOUSE OF LORDS,

Friday, June 14, 1844.

MINUTES.] BILLS. *Public.*—2ª. Brothels, etc. Suppression; Lecturers and Parish Clerks Regulation.

3ª. and passed:—Vinegar and Glass Duties; Slave Trade Treaties.

Private.—1ª. Canterbury Pavement; Manchester Stipendiary Magistrates; Garnkirk, Glasgow, and Coatbridge Railway; Delabole and Rock Railway.

2ª. Edinburgh, Leith, and Granton Railway; Liverpool Docks; Birkinhead Docks; Taff Vale Railway; Croydon and Epsom Railway; Ventnor Improvement; Lady Le Despencer's Estate.

Reported.—Manchester Improvement; Devagne's Estate; West Croft Inclosure.

3ª. and passed:—Whitehaven and Maryport Railway; Bleddfa and Llangunllo Inclosure; Southampton Marsh Improvement; Rother Levels Drainage.

PETITIONS PRESENTED. From Peebles, and a great number of other places, for Protection to Agriculture.—From Linton, against the Mines and Collieries Act.—From Bath, and 8 other places, in favour of the Brothels, etc. Suppression Bill; and from several Wesleyan Methodist Congregations, and others, for the Adoption of Measures for the Suppression of Trading in Seduction and Prostitution.—From Stirling, and Dunkeld, for Improving the Condition of Scotch Schoolmasters.

SCHOOLMASTERS (SCOTLAND).] The Earl of *Minto* said, that he rose to put a question to his noble Friend opposite, respecting a most useful class of persons in Scotland, and to whom functions of the greatest consequence to the community were entrusted. It appeared that for a considerable period that most useful body of men, the Parochial Schoolmasters in Scotland, had received a most disproportionate remuneration for the services which they had to perform. He found, from a Return which had been laid before Parliament, that the minimum salaries of the Schoolmasters of Scotland was 26*l.* a-year, or 10*s.* a-week; and that the maximum was between 34*l.* and 35*l.* a-year, or about 14*s.* a-week, and this amount was paid by the heritors of each parish. It was obvious, that with such salaries, it was not possible to obtain the services of persons as Parochial Schoolmasters in Scotland, who were qualified to perform the duties entrusted to them. In addition, however, to this stipend paid by the heritors, there was a sum received in many parishes which varied in amount, namely, from the school fees of those who did not receive a gratuitous education, which, on the average, increased the income of the parochial schoolmasters in Scotland to 50*l.* a-year. He believed nearly all persons who had looked into the subject, and had carefully considered it, admitted that the greatest benefit would arise from increasing the incomes of this class, for by that means schoolmasters of an improved description would be obtained, and there would be a manifest improvement in the whole character of education in Scotland. This was not merely a speculative opinion, but experience in one part of the country had shown the advantage of adopting the course he had alluded to. He found that in three counties in the north of Scotland a large amount of property had been left for the purpose of increasing the endowments of the Parochial Schoolmasters in them. These counties were Banff, Moray, and Aberdeen; and within the last few years the bequest of 4,000*l.* a-year had been made applicable to the increasing the income of the Parochial Schoolmasters residing in them. This bequest had been admirably administered, and it had been attended with the greatest benefits in improving the character of the education of the poor in those counties. The number of scholars in the schools in those counties had increased in the course of three years from 10,000 to 13,000, and not only had there been this important increase in the number of the scholars, but the greatest improvements had been effected in the character of the education received. In addition to this, the amount of school fees received from those who paid for their education had increased, during the same time, from 800*l.* a-year to 1,800*l.*, and this had taken place not only without any diminution in the number of the gratuitous schools, but with the great increase which he had mentioned. During the same time, the number of scholars paying fees had increased from 888 to 1,459. This was a good instance as illustrative of the nature of the improvement that would take place if the principle was extended throughout Scotland of increasing the emoluments of the Parochial Schoolmasters. He hoped that he should hear from his noble Friend opposite that the subject had occupied the attention of Her Majesty's Government, and that he would state whether they were prepared to introduce a measure for the improvement of the condition of this useful class of persons, to whom was entrusted the important task of superintending the education of the people of Scotland. The only objection that he had heard against any proposition of the kind was, that if they increased the emoluments of this class of persons, it would operate as an inducement for them to relax in their exertions, and to neglect their duty; this he considered to be a most idle and futile objection, and it had been completely disproved by what had taken place in the three counties to which he had referred. He hoped to hear something from his noble Friend which would render it unnecessary for him to take any further steps in the matter. He, therefore, would ask his noble Friend whether it was the intention of Her Majesty's Government to introduce any measure on the subject, or whether the subject had so far attracted

attention, as to enable him to say that it was probable that some relief or assistance would be given to this class of persons.

The Earl of *Haddington* replied, that there could not be the least doubt as to the value of the parochial institutions for the purposes of education in Scotland, and he joined with his noble Friend in lamenting that such a state of things as he had described with regard to the Schoolmasters should exist. He would not follow his noble Friend into any details, but he would confine himself merely to giving an answer to the question. As for the advantages that would result from making some addition to the emoluments of the Schoolmasters in Scotland, it was hardly necessary that reference should be made to the case in the north of Scotland, of which mention had been made by his noble Friend, but it was certainly a striking illustration of the subject. He should now merely state that the attention of Her Majesty's Government had been directed to the subject; but he was not able or authorised on the part of the Government to pledge itself to hold out to the noble Earl the probability of introducing any measure on the subject during the present Session; but he could assure his noble Friend that it was the intention of Her Majesty's Government to take the subject into its fullest consideration, with the view of adopting some step in the matter.

Lord *Brougham* said, that he cordially agreed with the noble Lord who had brought forward the subject, that nothing could be more cruel and absurd than to say that by increasing, in a moderate degree, the emoluments of the Scotch Parochial Schoolmasters, they were likely to become less efficient than they now were. It was obvious that the present payment to this class of persons was not by any means sufficient, and it was a monstrous absurdity to suppose that they could get efficient schoolmasters at salaries of 26*l.* a-year. This was absolutely less than the wages of a labourer, and yet it was the amount to be offered to a man who probably had received an university education, and to whom the discharge of the most important duties was intrusted. If they gave too high salaries the objection to which he had alluded might possibly arise, but with such a paltry allowance he was astonished how they could get any schoolmasters at all. He believed that at present the persons who accepted the appointment of Schoolmasters only did so while waiting for some other office or appointment.

The Earl of *Galloway* observed, that he had presented several Petitions from Schoolmasters and Presbyteries on this subject, and he could not help expressing his gratification at hearing that Her Majesty's Government intended to turn their attention to the subject. The treatment of the Parochial Schoolmasters in Scotland was extremely bad. He had met with very great prejudice against the augmentation of the salaries of Schoolmasters, because it was said that the average sum they received was at least 50*l.* a-year —that was a most erroneous statement— it might perhaps be the case in a few instances where they were able to take boarders. There was an Act of Parliament which passed in 1803 with respect to them, which was absolutely a disgrace to the Statute-book; for it contained a clause enacting that the residence of the Schoolmaster should be confined to two rooms, one of which must be a kitchen.

The Duke of *Richmond* said, that he had property in two of the counties in the north of Scotland which had been mentioned by his noble Friend, and he found that in those counties they got a much better class of Schoolmasters than in other districts, because they were better paid. To meet the objection, that good pay would render the Schoolmasters idle, the children should be periodically examined by the Presbytery, and that would insure a proper discharge of their duty. One serious inconvenience of the present system was, that when once a man was appointed a Schoolmaster, it was almost impossible to remove him, so difficult was it to get up a case against him. He should wish the salaries of the Schoolmasters to be increased, but would also have the power to remove them in case of misconduct more easy of execution.

Lord *Campbell* had also presented a great number of Petitions on this subject, and he rejoiced to hear of the intentions of the Government on the subject; and he was sure that it would give general satisfaction in Scotland to hear that it was probable that the salaries of the Schoolmasters would be increased in proportion to the important duties which they had to perform, and the circumstances of the times.

The Earl of *Minto* had heard with great satisfaction the answer of his noble Friend

opposite, and he hoped that the matter would be taken up by the Government with as little delay as possible. He could confirm the statement of the noble Duke with respect to the difficulty of dealing with delinquent Schoolmasters.

Subject at an end.

BROTHELS, &c. SUPPRESSION BILL.] The Earl of *Powis* having presented Petitions in favour of this Bill,

Lord *Campbell* suggested, that before the right rev. Prelate moved the second reading of the Bill, strangers should withdraw. No one could be a more warm friend to the publicity of their debates than he was, but there were subjects which might be discussed more advantageously with closed doors, and this he thought was one of them. The withdrawal of strangers would prevent the papers which they would find on their breakfast tables to-morrow morning from containing statements which might alarm the fathers of families, he would therefore suggest that strangers should withdraw.

The Bishop of *Exeter* said, he would not presume to interfere with the exercise of the noble and learned Lord's discretion, if he felt inclined to make a Motion on this subject. He thought their Lordships should know nothing of strangers being present they could not conceive such a thing. He had no eye for strangers. If the noble and learned Lord thought that the debate ought not to be heard by strangers he might move that they should withdraw; but he (the Bishop of Exeter) begged to say that it was not his intention to state anything which he would object to have placed on the table of every house in town to-morrow. It was gratifying to see so much scrupulous regard for the moral feelings of the public displayed in that House; but he had never before remarked it when Divorce Bills were being discussed.

Lord *Brougham* could not allow this discussion to go on, and it was contrary to all order that they should ever talk about strangers, because the moment they noticed that any strangers were in the House, the Standing Order would remove them as of course.

The *Lord Chancellor*; If it is surmised that strangers are present, I must order them to withdraw.

The Bishop of *Exeter*; I have no eye for strangers [*A Laugh*].

Lord *Brougham*; There are no strangers here [*Renewed Laughter*].

The Bishop of *Exeter* resumed. He had a petition from the Mayor and other inhabitants of Exeter, from the inhabitants of Tiverton, Totness, and Ottery St. Mary, in Devonshire, in favour of the Bill; also a petition from the Mayor, Magistrates, Clergy, and 8,000 inhabitants of Bath. He had also a petition from the City of Norwich stating facts of great importance relative to the statistics of prostitution in that city, which disclosed a state of moral degradation that was perfectly shocking. He had some further petitions from the neighbourhood of Bath, in favour of the Bill. In moving the second reading of the Bill he was anxious, first, to state what the Bill did not propose to do, because he was afraid some part of the language of the Bill might purport to do what certainly he did not intend it to effect, namely, to put down and visit with the penalties of the law, of that Statute at least, those cases in which persons might be living together as man and wife without being actually married. That was not a case which he contemplated, though it had been suggested to him by a noble Friend, that some parts of the Bill might apply to it. He should be happy, however, to see such parts of the Bill altered in Committee. There was nothing in the Bill that had any relation whatever to the suppression of prostitution. In saying this, it would not be imagined that he looked on prostitution as a light evil, but this he could say, he did not think it was a matter for legislation—the punishment of prostitution he held to be a thing impossible; and why was it impossible? He had no notion that the wisdom of man could devise a punishment that should inflict so much of suffering and degradation as prostitution itself. He had no notion, therefore, that the law could by possibility devise any punishment that should act *in terrorem* against prostitution. He must also say, that he had a still stronger reason for not proposing to legislate on this subject. He held prostitution itself to be an awful punishment in itself, which the God of Mercy had designed, in order to terrify innocent females from falling into those tremendous evils which were appointed as a punishment of the violation of chastity. To attempt to punish prostitution was as wild a scheme in his view, as if the guilty Cities of the Plain had thought of issuing a law against the storm of fire and brimstone

of God, or as if the Israelites in the Wilderness had thought of legislating against the Destroying Angel of the Lord, who slew them for giving themselves to Baal. He had stated that he did not propose to legislate against prostitution, but it must not be considered that he declined to do so because he thought prostitution to be necessary—no such thing—he should blush for himself if he dared to get up in a British House of Parliament, and say he thought prostitution necessary, and it was mere cant in some persons to say that it was necessary in order to prevent greater evils from prevailing—it was a libel upon the people of England and against God, who never would have fixed his Canon against that thing if it were a necessary thing. It might be said that where there were great masses of population, it was necessary that there should be prostitutes; but why in great masses more than in the rural districts? In the country men passed their lives without seeing prostitutes—he did not mean to say that every woman was wholly modest—but this he would say that in the rural districts men grew up to maturity, and were gathered to their fathers without seeing prostitution. It was his own fortune at one time to be the Minister of a populous parish in the county of Durham, and it was his misfortune to be obliged to act as a Magistrate, in consequence of the paucity of country gentlemen. He found the state of morals to be shocking; a vast number of young women were constantly applying to him to make orders of affiliation. Upon expressing his horror to the Magistrates' Clerk, he was told it was very true these things occurred, but he believed there was hardly one case in ten of infidelity on the part of the young men, and that they generally married before the child was born. The Magistrates' Clerk then went on to explain to him what was the real state of morals in that crowded population of miners, and he assured him that there was not a single prostitute in the neighbourhood—not a woman in the whole of the district, as he believed, from a full knowledge of the fact, who could be termed a prostitute. Then he would say, it was absolute cant to talk of the necessity of prostitution. There was another point which he had not touched on in his Bill, the omission to do which might perhaps excite more surprise: there was nothing it which touched the seducer. Was that because he thought lightly of the sinfulness of those who were seducers? No; they might well believe that was not the case. Of all the followers of Satan—of all the ministers of Satan—there were none so thoroughly Satanical as the seducer; and if it were possible for human laws to reach him, there was no punishment that ought to be forborne—no rank, as he was sure their Lordships would agree with him, ought to be exempted; for where there was high rank there ought to be the greater purity; there was no rank in which a seducer stood where he would not seek him out, and would direct all the vengeance of the law, if it were in his power, and hurl it against the noble or royal head that dared to commit that offence. But he would frankly own that he saw not how the law could reach it—he knew not how any Act of Parliament could be framed or any indictment laid, that could specify seduction. More than that, if he were not stopped by this objection, he should be by one far more powerful. Seduction could never be proved without the evidence of the unhappy victim, and no consideration—not even the power of hurling deserved vengeance on the head of the seducer, could induce him to put the unfortunate woman into the witness-box—he would not say to prove her frailty—but all the arts used against her. The seducer not only defiled the body, but the soul of his wretched victim, and when she had been betrayed—when she had fallen—there was no course left for her but repentance. He recognized the sacred, the hallowed rites of repentance—the duty of repentance—which could not be discharged by any person who was taught by the law to seek for vengeance against him who had inflicted the injury upon her; nor could it be truly exercised by any one who was trying to find out an excuse for her fall, as she would be if she sought to bring evidence against her seducer. It was for her to feel what the aggravations of her own guilt had been, and confess them to Him who, when confession was made and repentance felt, would forgive; and in order to show that she truly repented, she must not be a witness in her own behalf. For her sake then—not for the man's—he should not dare to attempt to punish the seducer. But although he should think it right not to interfere with first parties at all—he inquired not into their conduct—this he did intreat their Lordships to join him in doing, to show, that as far as the law could prevent it, they would put down that iniquitous, that impious traffic in the souls of the

weaker sex. If they could devise any means by which procurers and procuresses, might be brought to justice, they should not consent to live a single day without endeavouring to put it down. He feared that this was the first attempt in this country to legislate upon this subject; but he was not without high authority for the course he had proposed. He might be permitted to remind the noble and learned Lords that by the law of the Emperor Ulpian—these were in the days of heathen Rome—*lenones* were declared legally infamous, and incurred cruel incapacities. Justinian, in his wondrous collection of wisdom, the Pandects, was the first Christian Emperor who made a law against *lenocinium*; and he based that law on Christian motives and principles. His 14th Novella, tit. *de Lenonibus*, was in substance the same as the Bill now before the House. The law drawn up by Justus Scaliger, and extolled by Robertson in his "*History of Charles V.*," contained similar enactments to those which he was about to ask their Lordships to make part of the English law. But why need he go into ancient law for authorities? There was scarcely a nation in Europe in which procurers and procuresses were not dealt with as criminals; and most certainly there was not a nation in Europe in which brothels were not dealt with as places which ought to be suppressed. True it was, that brothels were not treated by the law of every land in the same way. There were two or three ways in which they might be treated; they might be permitted to exist without punishment; they might be altogether forbidden; or they might be permitted by law provided they were licensed. Of these three cases he had no hesitation in saying that the law of England as it at present stood was the only one which ought to be endured. The licensing of brothels he hoped would never be permitted in this country—it was saying that the practice of sin should be made law. This country, he hoped, would maintain its old law, which forbade the keeping of brothels at all. In his Bill he recognised the old law, which said that the keeping of a brothel was an indictable offence. The Statutes of this country hitherto had endeavoured to enlarge the powers of the law, in order to enable it to deal better with this offence, and in a Statute passed in the 25th year of the reign of George II., chapter 36, certain powers were given, to enable police officers and others to proceed by information. He did not mean to say that it had not been productive of any good; on the contrary, even in a very recent instance, a great deal of good had been wrought by the law in its present state; but it was a most rare occurrence. The present law could never be put in force but by individuals who were willing to brave the taunts and ridicule which it was so common for wicked men to cast out against those who were determined to discharge an odious duty, and deal with vice as it ought to be dealt with. A gentleman who lived near Fleet Street, and who was connected with one of the insurance offices, finding that the nuisance of prostitution had become so great that a modest woman could scarcely pass through the street at noonday, determined to interfere, and obtained from the officers of St. Bride's parish some assistance in putting the law into force. He succeeded in that parish, and then tried others, and altogether no fewer than sixty-three houses were put down; but this was done at very considerable expense. The sum of 379*l.* 14*s.* was charged for having put down seven houses in the Liberty of the Rolls. That would suffice to show that private individuals could not attempt alone this herculean task; even if they did, he contended that the tedious, tardy process of indictment, was little suited to the offence with which it had to deal. He hoped, therefore, their Lordships would consent to the propositions in his Bill, which would give powers to the police in respect to brothels, which they already possessed in respect to gaming-houses. If he were to state why he conceived such a measure as the Bill before the House was necessary, he was bound to produce some cases of the horrors that existed — of the tremendous crimes which were committed. He was assured, upon evidence which could not be contradicted, that even violations were committed upon females in many of the brothels, which, unhappily, were suffered to pass with impunity, because the unhappy sufferers felt it would only be a greater aggravation of their sufferings to have their shame exposed. It would be easy if necessary, to bring proofs of such cases. There were less horrible cases, although bad enough, and he would venture to trespass on their Lordships with two or three. He spoke on the authority of statements which had gone through the police offices, and which were therefore entitled to the utmost credit; but if they were entitled to the slightest credit, he was sure their Lordships would

think it sufficient reason to support the Bill before the House. The Committee of the Society for the Protection of Young Women reported—

"That they were engaged in prosecuting a woman named Emma Stone, for decoying a child of eleven years of age from her parents into a brothel. The crime was clearly proved against this woman and she was sentenced to twelve months' imprisonment, with hard labour. Cases of this kind are always difficult of proof; and this will in some measure account for the very few in which the Committee have been enabled effectually to interfere. They are, nevertheless, exceedingly numerous; to prove this, it need but be stated, that the keepers of brothels at the west end of London supply their houses with a constant succession of young women through the agency of the procurer. This society once indicted a brothel-keeper, and were in a condition to prove that she allowed an individual a considerable salary, together with travelling expenses, for supplying her house with young women. This he did chiefly by going into the country and hiring them, frequently with the consent of their parents, under pretence of procuring for them some respectable service or occupation in London. On their arrival in town they were taken to the house of the brothel-keeper, where their ruin was effected."

Such was the statement which had been made. That very day a friend of his had informed him of a case of a similar character, which however, fortunately, did not end unhappily. The niece of a Welsh clergyman saw an advertisement in the paper of a situation for a young female "in a respectable house in London," and being unwilling to be a burthen to her family, she came to London for the purpose of seeking this situation. She went to the direction and found two servants of respectable appearance, and was introduced to a person who appeared to be a lady of great reserve and restraint in her demeanour, who questioned her about her knowledge of London, and rejoiced to find that she had no friends in the metropolis excepting one, a cabinet-maker. She was asked if he was in a large way of business, and replied that he was only just able to do for himself. "Then," said the supposed lady, "you will do exactly for me, because you have no followers," and she offered the poor girl twenty guineas a year. She went to her relative, the cabinet-maker, and told him what she had been offered. He was struck by the amount, and his suspicions being awakened, he told her to pause. On inquiry, he found that it was one of those infamous houses which he trusted his Bill would put down. It was also stated in the Report, that one person, a proprietor of six infamous houses, had established an agent at a house between Slough and Windsor, on the Great Western Railway, with instructions to engage country girls as servants. The matter attracted the notice of the clergyman, the brother of a noble Lord, a Member of that House, who was never heard of except in connection with public virtues—the hon. and reverend Mr. Osborne. He took up the case. The women absconded; but the husband of one presented himself, and he, having stated himself to be ignorant of the proceedings, as indeed it proved that he was, offered to give any engagement that he would quit the spot; which was acquiesced in, as the object was to get rid of the nuisance. These cases might be multiplied to a great extent. Even since the Bill had been before the House, a case had occurred at Bristol which had been brought before Alderman Hughes and Alderman John Johnson, in London. A girl brought before them, when asked, "Where do you want to be passed to?" replied, "To Ireland." And when further asked, "What brought you here?" she burst into tears, and said, that she and twelve other young females had been induced to leave Ireland, by the assurance of an apparently respectable person, that he should be able to procure them good situations; but that on their arrival at Bristol they had been taken to a brothel, and in a few hours she was ruined. The great point to be obtained by this Bill was a summary process. He was not content to leave the matter to the inert process of the Common Law, which was not enforced on account of the expense. Why should expense be incurred? Why should they be more careful of these dens of infamy than of places for gambling? He asked them to give the law the same force against both and he would be satisfied. On this subject, he would refer to an authority which he was sure would have great weight with their Lordships; he meant the Report of the Select Committee of the other House on the subject of Gaming. If private individuals choose to make wagers with each other, there seems to be no good reason why they should be prevented from doing so, or why they should be punished for so doing. But while they consented to allowing individuals to ruin themselves, they could not consent that houses should be opened by

those who lived on the ruin of those persons. They, therefore, said—

"Your Committee have to express their regret that the existing enactments for the suppression of common gaming-houses have not hitherto accomplished the purpose for which they were intended. It appears that many houses of this description have been open nightly in the metropolis; and that the parties who are concerned in these establishments have been in the habit of frequenting country races, and of setting up their gaming-tables, either in booths on the race-course during the day, or in hired apartments in some adjoining town during the night."

They then made a remark as to the feeling from which arose the inefficiency of the present law—

"It is stated that some difficulty has been experienced in finding householders willing to make the necessary affidavits, such persons being apprehensive that by so doing they might expose themselves to annoyance, and get themselves into trouble; and it also appears that in some cases it has happened that after such affidavits have been made, and after the subsequent authority to enter has been given, some time has elapsed before that authority has been acted upon by the superintendent. The fact seems to be, that the officers of the police have felt in these matters an apparently overstrained fear of being thought to exercise too vigorously the powers conferred upon them by the law. Your Committee believe that such fears on the part of the police are groundless. The public has no sympathy with the keepers and frequenters of these common gaming-houses; and a display of activity on the part of the police in carrying into effect the law for the suppression of such houses must always, your Committee are convinced, meet with general approbation."

Had the British public any greater sympathy for other dens of horror? He was sure that the police would meet with similar approbation if they vigilantly carried out the law, when it should be made, which should give them similar power to suppress brothels. He was rejoiced to see so many of their Lordships present, because he was addressing probably 100 Lords, and he believed if he were addressing every Member of their Lordships' House, there would not be one who would not say, "Let us at all events go into Committee and see if anything can be done to remedy this evil." And being assured that this would be their unanimous feeling, he would do no more than move the second reading of the Act for the more effectual Suppression of Brothels, and of Trading in Seduction and Prostitution.

The Earl of *Fitzhardinge* begged to return his thanks to the right rev. Prelate, and in this he was sure he echoed the sentiments of every noble Lord, for his able and eloquent speech, and for his practical statement and he hoped the House would at all events suffer the Bill to go into Committee. The research and labour of the right rev. Prelate did him great credit; but he would ask whether, in the course of his researches, he had ascertained one point which had been publicly stated and to which he had never seen any contradiction, and he presumed that it would be impossible to give to it a contradiction, because it related to a body, who, if the blame were unmerited, would not readily lie under the charge. A little more than two and a half years ago, he had seen a statement, that of the most notorious brothels in London, those which were the property of the Dean and Chapter of Westminster were the most numerous. It was stated that in a place called the Almonry—a spot with which he was not acquainted—there were twenty-four notorious brothels all the property of the Dean and Chapter of Westminster, being in the proportion of two brothels to one prebend. In the Orchard Street district it was said, that there were thirty brothels; in the Pye Street district, that there were forty brothels; and in York Street twenty: and that all in the Almonry and most of the others, were the property of the Dean and his reverend associates in their corporate capacity; and he did think that in the fair exercise of the rights of property, and with their peculiar duties, such a body might have done something to put down the evil before their Lordships were called upon to legislate. The statement appeared in a newspaper in December, 1841, rather more than two years ago, and he had been astonished that no contradiction had been given to it, because it showed rather an inconsistency of conduct on the part of the Dean and Chapter. It would be recollected that the Dean and Chapter of Westminster had refused to place in Westminster Abbey, on the score of morals and religion, a statue of Lord Byron. He did not quarrel with them for that decision, if they really believed the reception would be injurious to morals or religion; but he thought it was gross inconsistency in their rejecting the one and admitting the other, except there was this distinction, which they might have

taken into consideration, that the statue would not pay any rent, and that the other would. He would be happy to give the right rev. Prelate his best support. He thanked him for his proposal, but the conduct of the Dean and Chapter reminded him of those, who

"Compound for sins they are inclined to,
By damning those they have no mind to."

The Bishop of *Gloucester* always understood, that whenever it was the intention of any noble Lord to make an attack, it was usual to give notice of it ["*Oh, oh*"]; such had been his observation. He would not say that any noble Lord had any other motives than those which were perfectly correct and Parliamentary, and he would, therefore, suppose that the noble Earl, in his extraordinary address, was only actuated by the best motives in his attack upon the Dean and Chapter. He (the Bishop of Gloucester) happened to be a Member of the body ["*Laughter*"] against which the noble Earl had expended all this indignation, this virtuous indignation; and all he knew of the subject their Lordships should hear immediately ["*Laughter.*"] What was it that struck any noble Lord—that attacks of this kind upon persons of station and character who were entitled to respect, were fit subjects for ridicule and amusement? At not quite so long a period as that stated by the noble Earl, but many months ago, he remembered to have seen, not in a newspaper, but in a handbill, sent by the post, assertions which fell short, indeed, in atrocity, of those mentioned by the noble Earl, but still calling upon the Dean and Chapter of Westminster to put down, on a portion of their property called the Almonry, the houses of ill-fame. He took an early opportunity of mentioning the subject to the late Dean, who was then in an infirm state of health; it was brought before the Chapter, and it turned out that the whole of the property was out of the control of the Dean and Chapter—it was found to be held on lease for forty years; but as soon as it was known that the inhabitants were disreputable, a renewal of the lease, which had then nearly run out, had been refused. A step had, therefore, been taken by letting the lease run out. Not only this, but on his urging them, they had taken a still stronger step: out of the money, which the noble Earl supposed they were so fond of, they purchased the remainder of the lease; and he had last year the satisfaction, from the testimony of his own senses, of knowing that the houses had all been pulled down—they had destroyed these disreputable buildings, and he trusted that the inhabitants of Westminster would, within no long time, find them replaced by good and creditable houses. He thought, however, that the sting of the noble Earl's speech was in the innuendo, that while the Dean and Chapter retained these buildings for the purpose of putting money into their pockets, they refused to place the statue of Lord Byron in the Abbey, because it would render no money. That was the charitable construction which the noble Earl was pleased to put upon their conduct. If his Lordship would be good enough to reverse the facts, he would get nearer the truth. The Dean and Chapter did put an end to the tenure of the houses at a direct and immediate pecuniary sacrifice and personal expense, whilst in the other case, they had refused to admit the statue of Lord Byron into the Abbey, although it would have been a source of direct and positive profit to them. He regretted that the noble Earl should have taken the House by surprise, and made such a statement without giving due notice. But he hoped, notwithstanding, that he had vindicated the body to which he belonged from the aspersions attemped to be cast upon them.

The *Lord Chancellor* thought it impossible, after the eloquent speech of his right rev. Friend, to say anything more in favour of this Bill. He had pointed out some objections in its framework which might be altered in Committee, but it was impossible to add anything to the eloquence of his noble Friend.

Lord *Brougham* agreed with his noble and learned Friend that there would be no great use in prolonging this discussion. This was one of those cases in which he would not say that the less said was the better, but on which, with a due regard to convenience, as they were all agreed to go into Committee, it was better not to prolong the discussion. But upon the other point which had been introduced, he would ask whether the Dean and Chapter might not have reconsidered their refusal to place in Westminster Abbey the monument of Lord Byron. He did not think there was any one passage in the history of this country of late years so discreditable to our national taste, to our reason, and to our good sense, as the refusal to admit this statue. It was the result of a subscription of large amount—he believed

2,000*l.*—it was by some said to be the masterpiece, or very nearly the masterpiece of the great sculptor and the most illustrious artist of modern time, his late friend Thorwaldsen: and its subject was one whose great genius as a poet was as incontestible as his frailties were to be deprecated and lamented. He was not disposed to defend those frailties, but they could not be blind to the genius which shed a lustre which would never perish, and on the country which gave him birth. He did not speak of him from any personal predilection or friendship, for he had unfortunately been thrown into personal hostility with him which had endured for twenty years, and which had been recorded by the poet. He thought that the objectionable passages were very few compared with the whole writings, and he put it to the justice and good sense of the Dean and Chapter whether the same rule might not exclude some of our highest naval and military commanders, and whether it would be improper, after the monuments already there, to rescind their refusal, and to admit the statue of that illustrious poet into its proper place among the mighty dead in their Abbey.

The Bishop of *London* hoped that the Dean and Chapter of Westminster would never allow the statue of Lord Byron to be placed in Westminster Abbey. In common justice to that reverend body, he felt called upon to express his entire approbation of their conduct with respect to that statue. The object they had in view was a far higher one than the advancement of national taste, or the vindication of the national character; that object was the conservation and protection of the national religion and the national Church. The Dean and Chapter of Westminster did not institute any inquiry into the private and moral character of Lord Byron, they simply took into their consideration the tenour and the influence of the several works that he had published on which the subject of religion was mentioned. All the objections which had been urged on that score against the eloquent historian of the *Decline and Fall of the Roman Empire* might be urged with equal justice, and with equal force, against the works of the great poet whose name had been just mentioned. Almost every one of his poems—certainly a great deal too many of them—contained innuendos, descriptions, and assertions, which, on the ground of morals as well as religion, disqualified the writer, in his opinion, from any right to claim admission after his death into a sanctuary consecrated to the worship of Christ. It was, therefore, unjust of the noble Earl to attack a most respectable body of ecclesiastics because, in pursuance of the solemn obligation imposed upon them by their sacred duty, they had sought to defend the national religion by excluding from the house of God the statue of an individual, however illustrious, whose memory lay under such an imputation. He was quite sure his noble and learned Friend would not for a moment assert that Lord Byron had as good a right to a place in Westminster Abbey as those great poets who had never given utterance in their works to an expression repugnant to religion or morality. The noble Lord, for instance, would not, he was satisfied, compare Lord Byron with Shakespere or Milton. He must express his cordial concurrence in the refusal of the Dean and Chapter, and he hoped they would adhere to their resolution not to admit into the sanctuary of which they were the guardians the statue of that great poet and distinguished genius. As conservators of the national religion, they were bound to deny the high honours accorded only to illustrious Christians to one who, practically speaking, was not a Christian—at least in his writings.

Lord *Brougham* thought the right rev. Prelate had taken much of his complaint for granted without any proof. He would not say one word as to Milton, who, though he differed from the Established Church, was a great friend to religion; but when the right rev. Prelate mentioned Shakespere as a pattern of strict morality, why he could point out in Shakespere more gross indecencies than ever could be found in Lord Byron. Could they doubt it, when an excellent gentleman had thought it necessary to publish a castrated edition of Shakespere, called the *Family Shakespere*—leaving out those passages which were so indecent that they ought not to be read by any daughters in a family? Whereas, he had never heard of a Family Byron, for the passages were so very few that the edition would hardly pay the expense.

The Earl of *Lovelace*, after all the arguments which had been urged for or against the admission of the statue of Lord Byron into Westminster Abbey, had hoped that

there would have been more inclination on the part of the Dean and Chapter to overlook the objectionable passages in his writings; and he was extremely sorry to find that they had not so done. And when he recollected that the Abbey contained the monument of Dryden, who died a Catholic and an apostate from the religion of the Chapter, he thought that, at least, the statue of Lord Byron might find a place.

The Bishop of *Exeter* wished that they had some national place, not a church, in which these monuments might be fitly placed. Let them have a National Gallery worthy of the nation—not a work which was a disgrace to our country; and he hoped he might yet live to see a National Gallery fit to contain these monuments.

Lord *Campbell* thought the object of the Bill desirable, and expressed his earnest wish that they would go into Committee; but they must bear in mind the distinction between a sin and a crime; between what was sinful in the eye of God, and what was a crime that could be redressed by the law of man. He believed that the right rev. Prelate had by no means exaggerated the evil, but he doubted whether much more could be done as a remedy by legislation. When there was any outbreak against public decency, they should redress and punish it; but if they went beyond this they were in danger of doing more harm than good. He would advert to the statute passed in 1650, which was most stringent in its provisions against adultery and fornication, and contrast it with the practice of the times which almost immediately followed it, when Charles II. was on the throne, and a degree of profligacy prevailed, unequalled perhaps in the annals of any country. He trusted that when the Bill came into Committee it would be so framed as to attempt what was practicable and desirable, and not endeavour to do by positive law what was only to be accomplished by an advance in religion and morality.

Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Friday, June 14, 1844.

MINUTES.] BILLS. *Public.*—1°. Copyholds Enfranchisement.

Private.—1°. Great Southern and Western Railway (Ireland); Canal Companies.

3°. and passed:—Manchester Stipendiary Magistrates; Canterbury Pavement; Delabole and Rock Railway (No. 2).

PETITIONS PRESENTED. By many hon. Members (43), against Dissenters Chapels Bill, and 5 in favour of the same.—By Mr. Bannerman, from Aberdeen (2), and by Mr. Fox Maule, from Perth, Yetholm, and Glasgow, for Legalizing Presbyterian Marriages.—By Visct. Marsham (61), from Kent, against Repeal of Corn Laws.—By Lord Granville Somerset, from H. Greatwood, for relieving Medical Practitioners from Horse Tax.—By Mr. Wawn, from South Shields, for Exemption of Marine Insurances from Duty.—By Lord C. Manners, from W. Beeson, for Alteration of Property Tax Act.—By Mr. T. Duncombe, from Serafino Calderara, Wm. Lovett, W. J. Linton, and G. Mazzini, complaining of Opening of Letters at the Post Office.—By Mr. Home Drummond, from Dunkeld, for ameliorating Condition of Schoolmasters (Scotland).

OPENING LETTERS—POST OFFICE.] Mr. *T. Duncombe* presented a petition complaining of a personal grievance, and proceeded from W. J. Linton, Joseph Mazzini, and two others, residing at No. 47, Devonshire Street, Queen Square, London. The petitioners stated,

"That during the last month they had sent letters through the Post Office, for no political purpose, and containing no libellous matter or treasonable comments upon the Government of the country; that these letters had been detained by the Government beyond the time of their delivery, that their seals had been broken, and that they had been opened and read by certain of the authorities belonging to Her Majesty's Post Office. That they considered such a practice, introducing as it did the spy system of foreign states, as repugnant to every principle of the British constitution, and subversive of the public confidence, which was so essential to a commercial country."

They were prepared to prove the truth of these allegations, and prayed that

"The House would be pleased to grant, without delay, a Committee to inquire and give immediate redress to the petitioners, and prevent the recurrence of so unconstitutional and infamous a practice."

The course which he should pursue would depend on the answer which he received from the right hon. Baronet (Sir J. Graham). He begged to ask the right hon. Baronet whether he was aware that the letters of these men whose petition he had presented, had been opened, read, and examined at the General Post Office, and, if so, was he aware whether that had been done by the authority of any one of the Principal Secretaries of State?

Sir *J. Graham* thanked the hon. Gentleman for the course which he had pursued upon the present occasion. To save trouble the hon. Member had notified to him (Sir J. Graham) the question which he intended to put, and he had therefore

an opportunity of taking into consideration the answer which he should give. The House must be aware, that from as early a period as the reign of Queen Anne, power existed in the hands of the Principal Secretary of State, to detain and open letters passing through the Post Office; and the House would be also aware that this power had come under the review of Parliament at so late a period as the year 1837, and by the Act of 1 Vict. this power of issuing warrants to open and detain letters, continued still vested in the Secretaries of State. He must, for fear of creating misapprehension by his answer, state that the circumstances mentioned in the Petition were, to a great extent, untrue. As to three of the petitioners, he doubted if their letters had ever been detained, and no warrant as to them had been issued; but as to one of the petitioners he had to state, that, on his responsibility, a warrant had been issued as to the correspondence of that person, which warrant was no longer in force. Having said this much, that as he had the power so he had exercised it, he was bound to add that this authority was vested in the responsible Officers of the Crown and intrusted to them for the public safety, and that while Parliament placed its confidence in the individual exercising this power, it was not for the public good to pry or inquire into the particular causes which called for the exercise thereof. He could not consent to enter into any further explanations, and would only express his hope that the House would confide in the motives which had influenced him, and that they would not call upon him to answer any further inquiries. It was not consistent with his duty to give any more explicit answer. [Mr. *Hume:* How long has the warrant been in force?] He had given an explanation, and he must respectfully but firmly decline saying anything further on the matter.

Mr. *T. Duncombe* said, the petitioners sought for justice, and, as far as his efforts could avail, justice they should have. The petitioners——

Mr. *T. Egerton* rose to order. The hon. Member for Finsbury could not speak any further on the petition.

Mr. *T. Duncombe* said, that before the non. Member opposite called him to order he ought to take the trouble to read the Standing Orders of the House. On the very point in question the fourth Standing Order, as to the presentation of petitions, (which did the House great credit in passing it, as it did the hon. Member for Greenock who proposed it), was completely applicable. It provided that "in cases of personal grievances requiring immediate redress" petitions might be discussed upon the presentation thereof.

Sir *J. Graham* would remind the hon. Gentleman and the House, that he had just stated that there was now no warrant in force against letters of even the one petitioner, with reference to whom a warrant, the only one, had been issued. He did not understand what grievance there was which came within the Standing Order, as requiring the application of an immediate remedy.

Mr. *T. Duncombe* was of opinion, that the grievance complained of did require immediate redress. He was really astonished, and the House and the public would be astonished at the right hon. Baronet's attempting to blink the question in this way. [Mr. *Shaw* rose to order.] He was not to be put down in this way.

Mr. *Shaw* would repeat that he rose to order. The hon. Gentleman's notion as to the desire of the right hon. Baronet to blink the question had nothing to do with the Standing Order. The Standing Order only sanctioned the discussion of the matter of a personal petition, on presentation thereof, when the grievance complained of required an immediate remedy. It was evident that this was not the case here, for the warrant complained of was no longer in force.

The *Speaker* said, that the Order of the House under which the hon. Member for Finsbury asked for permission to speak in the present case was, that if any petition was presented complaining of a present personal grievance for which there was a necessity of providing an immediate remedy, the matter might be brought under discussion upon the presentation thereof. Now, he had some difficulty in deciding the point. The House would bear in mind that on all occasions, when a question of privilege arose, it was discussed immediately, but whenever an adjourned debate took place or a notice had been given upon a question of privilege, Members lost the right to discuss the case in preference to other business. The hon. Member for Finsbury had given notice of his intention with respect to the petition, and, having given that notice, he had shown that this was not such a case of urgent necessity for an immediate remedy

as was contemplated by the Standing Order. It was such a case alone which could be entertained to the interruption of the ordinary business of the House.

Mr. *T. Duncombe* said, he had not an opportunity of bringing forward the discussion yesterday, as he had not then ascertained what the wishes of the petitioners were on the subject. As to the withdrawal of the warrant, the right hon. Baronet might have done that half an hour ago, in consequence of this very notice. What the petitioners complained of was the introduction into this country, in their persons, of the odious spy system of foreign countries. If nothing were done in the matter now, there was no knowing but the warrant might be issued again to-morrow morning.

The *Speaker* thought the point to be one upon which the House ought to decide. It was the first instance in which the rule had been applied since these Standing Orders had been framed, and would form a precedent thereafter. The question was whether this was a case of present personal grievance. He conceived that as the warrant was stated to have been withdrawn it was not such a case, but that it ought to be brought forward in the usual way.

Mr. *T. Duncombe* said, that if he had to give regular notice of a discussion on the subject, he might not be able to bring it forward for a month to come. By way of bringing himself in order, he would beg to move that the House do now adjourn; and having done so, he was now in a position to speak to the main question, on the question of adjournment, after the precedent set by the right hon. Baronet, the First Lord of the Treasury, who, some one or two years ago, when he was pressed in somewhat the same way, moved that the House do adjourn, and upon that motion addressed the House on the main question he wished to discuss. It was decided by the Speaker, that the right hon. Baronet (the Member for Tamworth), had a right to speak to the main question on the question of adjournment. He would, therefore, exercise his right of addressing the House on the subject of the petition of those injured individuals, notwithstanding the opposition of the Recorder of Dublin on the point of order. The right hon. the Recorder of Dublin might not wish to have all his letters opened and read by hostile persons, no matter to what those letters referred—whether they related to the Jury List—to the abstraction of any portion of the list—or to any other subject. He did not know whether the Recorder would like that or not; but he knew that other parties would not like their private letters to be opened, and their family secrets copied, and sent to the Secretary of State. The Repealers of Ireland, for instance, would not like to have their private letters opened, and copies of them sent to the right hon. the Recorder of Dublin. What was it that these petitioners complained of?—that their letters were opened at the Post Office, and that copies were taken in the office, and sent to the office of the Home Secretary, and that after the delay occasioned by this proceeding, the letters were resealed and forwarded to their destination. What was the answer of the right hon. Gentleman the Home Secretary to the charge? It was an admission of the fact that he had given his warrant for opening the letters of one of those parties, but he would not say which, and he justified it by the authority of an Act passed in 1837, which gave power to any of the Secretaries of State to issue his warrant for opening any letter. He had no doubt that the Act of Parliament, the 1st of Victoria, passed in 1837, recognised that power in the Secretary of State. The power had existed previous to that Act, and even from the time of the Commonwealth; but he did not believe that one man in twenty thousand knew of the lines that had been smuggled into this Act, placing their correspondence at the mercy of the Secretary of State. It was a power that ought to be taken away from any Secretary of State, particularly when exercised in such an unscrupulous manner as it had been within the last two years. The right hon. Gentleman had opened the letters of one of these gentlemen. Would the right hon. Baronet state which of them it was whose letters had been thus opened. [Sir *J. Graham*: "Certainly not."] They had not been told by the right hon. Baronet which of them it was whose letters were ordered to be opened; he had not stated whether it was Mr. Mazzini, or Mr. Lovett, or any other of those four respectable men whose letters contained, he understood, no political, or seditious, or libellous matter. He had heard that Mr. Mazzini was the person who had been particularly the object of these proceedings on the part of the right hon. Gentle-

man opposite, and that his letters were accordingly opened and read, and their contents forwarded to the Home Office. The Parliament gave power to open letters in the Post Office; but whenever it was exercised by former Governments, it was not exercised in the way in which it had been exercised by the right hon. Baronet. Let the House look at the proviso to the 25th section of the Act of 1837. It said:—

"Provided always that nothing herein contained shall extend to the opening or delaying of a post letter, returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof; nor to the opening, or detaining, or delaying of a post letter in obedience to an express warrant in writing, under the hand (in Great Britain) of one of the principal Secretaries of State; and, in Ireland, under the hand and seal of the Lord Lieutenant of Ireland."

There could be no doubt from that proviso, that the principal Secretaries of State, or any one of them, did possess this power; but he did not believe, that when the Parliament gave that power they ever intended it to be used by the Secretary of State without being responsible to Parliament for the manner in which that odious privilege was exercised. He (Mr. Duncombe) maintained that it had been exercised in this case in an odious and unjustifiable manner, and therefore he demanded an inquiry. Let them suppose the Secretary of State for the Home Department to issue his warrant for opening the letters addressed—he would suppose to the right hon. the Recorder of Dublin, and appointing a person in the Post Office for the purpose of doing that—the letter was then opened and inspected, and if there were found nothing in it interesting to the Secretary of State, it was returned, and sent to the individual to whom it was directed, and the seal was closed in such a skilful manner that the person for whom the letter was intended was totally ignorant, when he received it, of what had been done. The family secrets which such a letter might contain would remain safe in the breast of the Secretary of State. When a letter was opened which contained anything of interest to that right hon. Gentleman, its contents were copied and kept in the Home Office, and the letter was skilfully resealed as before, and forwarded to the individual to whom it was directed. That was a case calling for explanation to the country. Were the free subjects of a free state to submit to such a system? When a letter was returned in the Post Office, under the proviso in the Act which allowed a letter to be opened when the person to whom it was directed refused it, or was dead, or when it was not properly directed, the fact was always stated on the back of the letter, so that the individual to whom it was directed was informed that it had been opened, as it was written on the back of the letter, "returned for the reasons herein stated." When the Parliament gave to the Secretary of State a power to order letters to be opened, it ought, therefore, to have directed that whenever a letter was opened by order of the Secretary of State, it ought to have written on the back of it, "opened by authority;" for, in that case, the individual whose family secrets might be exposed by such a proceeding would be made aware of the fact, whilst under the existing system he would be left in ignorance of it. In the time of Mr. Pitt, and in the time of Lord Sidmouth, when letters were opened by the warrant of the Secretary of State, they always were marked with the words "opened by authority." At present, however, the case was different; and whilst the right hon. Secretary of State for the Home Department retained the same system of *espionage*, instead of marking the letters as "opened by authority," they were returned so skilfully closed, that the individual to whom they were directed was totally ignorant of the fact of their having been so opened. No good reason had been assigned for such a course: this was a time of perfect domestic tranquillity—our foreign relations were everything which could be desired—there was no necessity for such a course—and he should wish, therefore, to know why the Secretary of State for the Home Department had directed the letters of an individual to be opened in this manner. He believed that for the last two years letters had been opened in the Post Office in the most unscrupulous manner, and it was impossible for any man in the community to say that his letters had not been opened and examined, and their contents placed within the power of the Government. That was a system which the people of this country would not bear, which they ought not to bear,

and he hoped, after the exposure which had taken place, that some means would be adopted for counteracting this insidious conduct of Her Majesty's Ministers. It was disgraceful to a free country that such a system should be tolerated—it might do in Russia, ay, or even in France, or it might do in the Austrian dominions, it might do in Sardinia; but it did not suit the free air of this free country. It was most important, as the petitioners represented, that in a commercial country like this, all the letters which might affect commercial interests, and contain commercial secrets, should not be opened whenever the Ministers thought proper. But if the Minister, undertook, without rhyme or reason, to open letters, he might at least to be required to state, on the backs of such letters, that he had done so, and he could assure the House that he would do the best he could to interfere with that system of prying into letters by the part of the Secretary of State. He should like to move for a copy of the warrant—[" *Order, order.*"] He should like to move for a copy of the warrant of the Secretary of State under which the letters had been opened, and the date of the warrant, which the right hon. Gentleman said was not now in existence. When, he would ask, had that warrant ceased to exist? When did it issue? By seeing it and ascertaining the party against whom it was directed to authorise this prying into letters, the House could form a better opinion on the subject. The right hon. Gentleman said that he had issued a warrant to open the letters of only one individual. Now he was ready to prove that letters written by Mr. Lovett and all the others, had been opened and read and examined in the Post Office, and afterwards sealed and forwarded. The House, he repeated, ought to have laid before it a copy of the warrant which the right hon. Gentleman admitted he had issued, and he would, therefore, now move that there be laid before the House a copy of that warrant—[*cheers from the Opposition and loud cries of* " No, no, and Order."] Well, then, to give the House an opportunity of expressing an opinion on this spy system, he would formally move that the House do now adjourn—he did so for the purpose of taking the sense of the House with reference to these proceedings, and in obedience to the most sacred duty.

Mr. *Wallace* said, that when the Post Office Act passed, in 1837, the right hon. Member for Taunton had assured the House that the Bill contained nothing but a consolidation of the former Acts. The House believed that it was a consolidation only, and not an alteration; but words had been introduced insidiously, and without the knowledge of Members. The Bill had been passed under the idea that it was only a fair consolidation, whereas it was an unfair and unjust consolidation of the former Acts. With regard to the practice, it was nothing new. He had frequently drawn the attention of the House to it. It was one of the accusations which he had been in the habit of bringing forward year after year, while he was agitating the question of Post Office Reform. No one denied it. The Secretary of State had the power, and he used it; and he believed that at the present moment, there was a regular machinery at the Post Office for the purpose. There was a room set apart for opening letters and examining them, and he believed that persons had been sent abroad to study in the school of Fouché, how to open, fold, and reseal letters in the Post Office in London. He maintained that the same perfect and entire freedom which was extended to a man's person should be extended to his correspondence. He admitted the power to open letters was given in the Act of Parliament; but he denied that it ought to be there. At the time when franking was the privilege of Members, he wrote on the outside of all his franks and letters, " Please to reseal and forward this letter after you have read, and do not burn it;" and many of those who had written to him superscribed the letters with " Please don't burn the letters of the hon. Member for Greenock." He was sorry to be obliged to say anything against the consolidation of the Post Office Act, but it was without the knowledge of the House that this more extended power was introduced, and the Act was passed without the words being discovered.

Mr. *Labouchere* said, as so heavy a charge had been brought against him—for it was when he was in office, and by the department of which he was at the head, that the consolidation of the Post Office Acts was effected—he was sure the House would indulge him for a few moments whilst he said a few words. His hon. Friend said, he at that time gave a power to the Secretary of State—[" *No,*

no"]—so he had understood his hon. Friend. Now, he had a distinct recollection of what the law was before the consolidation, and his belief was, that such power existed at that time, and had existed for years and years before. At that time he did what he professed; he did not alter the law, but he consolidated all the laws having any relation to the Post Office. But he would read the words of the old Act. They were, that no one shall open letters "except by express warrant under the hand of one of the Secretaries of State, for every such opening, detaining, or delaying." In his opinion it was a proper power to be vested in some person whose responsibility would be a guarantee for its proper exercise. He admitted the responsibility was great, but still he could imagine cases where, with a view to the public safety, it would be right to place such a power in the hands of the Executive Government; and he was prepared to defend and maintain such a power. He knew nothing of the particulars of the case before them, and therefore he was not able to say that the power had been abused. With regard to the existence of such a power, he maintained that, with a view to the interests of the public, and to public safety, it was right that a power to open letters, under certain circumstances, should be lodged in the hands of the Executive Government, and he was desirous to maintain it.

Dr. *Bowring* said, that his hon. Friend, the Member for Greenock, made an observation with respect to the Act consolidating the laws with respect to the Post Office, which observation the right hon. Member for Taunton appeared to have misunderstood. The hon. Member admitted that the object of the right hon. Member for Taunton was merely to consolidate former laws, and not to add anything to them. With respect to the power itself, he (Dr. Bowring) was of opinion, that its use might be right and proper in certain extreme cases. It might be proper in such extreme cases, and with regard to home affairs, to exercise that power; but then, when he stated that he would remind the House that the case of interference to which their attention was now directed, was not one that had any relation to home affairs—nay, more, it was not stated by the right hon. Baronet, the Secretary of State for the Home Department, which of the individuals named was the person against whose letters the warrant was directed—if the right hon. Baronet showed that this very great and irresponsible power had been used with reference to some all-important domestic concerns—then there might be some ground for those proceedings; but in this case nothing of the kind had been shown; and it would be a most improper thing that it should have been done at the instance of any foreign power—a power, perhaps, of a despotic character, and little acquainted with the spirit of the institutions of this free country. If it appeared that there was no home interest involved, but that the Secretary of State for the Home Department, instead of issuing the warrant for any English, any honest purpose, had a foreign purpose to serve, and exercised his power at the instance or request of a foreign or despotic Government, it was a course which he believed the Parliament or the public would not sanction.

Mr. *Warburton* said, that the Act of 1837 was passed with a view to consolidate the provisions of the former Act, and therefore it was assumed by the House when it was agreed to, that as regarded the powers which it granted, the new Act was merely a repetition of the old Act. [Mr. *Hume*: They are different. A separate warrant was required by the old Act for each occasion.] The old Act placed distinctly a more salutary check upon the exercise of the power of the Secretary of State, for it clearly required a separate warrant for each letter which was opened at the Post Office. If the letter were not returned in consequence of the death of the person to whom it was directed, or in consequence of having been refused by the person to whom it was directed, or from want of due direction, the old Act required, in order to empower the opening of each letter, a warrant in the handwriting of any of the Secretaries of State of England, or under the hand and seal of the Lord Lieutenant of Ireland, if in Ireland, in order to justify the opening of it. That was what he collected from the old Act. So far as regarded the power of opening certain letters under particular purposes, he could not agree with the views of the hon. Member for Finsbury, but he did agree with the right hon. Member for Taunton. He thought that such a power to open certain letters in particular cases ought to be exercised only in cases of great importance, and he thought there

ought to be the limit of an express warrant for each letter, and deeming that of great importance, he would ask whether there had been a separate warrant issued for each letter by the right hon. Secretary of State for the Home Department? He trusted the right hon. Baronet would answer that question.

Sir *James Graham* said, he had stated already that owing to the courtesy of the hon. Member for Finsbury, he had sufficient time to deliberate on the course which he ought to adopt, and in consequence of that deliberation he had gone the utmost length to which it was his intention to go in explanation, and he did not consider it consistent with his public duty to give any further explanation.

Mr. *Warburton* then understood from the right hon. Baronet's statement, that he refused to inform the House whether he issued a warrant for each letter or not.

Mr. *Roebuck* said, it had been stated by the right hon. Secretary for the Home Department, and repeated by the right hon. Member for Taunton, that such a power was necessary. The question then was, in case such a power was absolutely necessary, what were the limits and responsibilities which they should adopt in order to secure its proper use. Would it not be some guard that a list of the letters, with respect to which such a power was used, should be made out after a certain time; and laid on the Table of the House, say every six months.

Mr. *Hume* had never before, in the course of his experience in that House, heard an avowal from a Minister that he had sanctioned the opening of letters. He was of opinion, that in a free country like this, such a power ought not to exist. The moment a slave touched our soil he was free—and were freemen to be made slaves by such a power. It appeared to him to be an outrage upon public liberty. He would ask the right hon. Baronet, the Secretary of State for the Home Department, how long the warrant which he had issued had been in existence, in order that the House might be thereby enabled to judge, it had been issued for a particular purpose and a particular period, or whether it had been kept hankering over the individual for a long period. He had been given to understand that it was in operation for a long period; and he must say, that if such a system of espionage were to be maintained, and if right hon. Baronets, Her Majesty's Secretaries of State, were to be police magistrates for the Emperor of Russia or any other Sovereign, such a state of things was not creditable to the right hon. Baronet opposite or to the country that sanctioned it. Admitting that the law was in existence, they ought to be informed whether the discretionary power which was vested in the Secretary of State for the Home Department had been properly exercised. The present was not a time when any necessity existed for the exercise of such a power. We were in a state of perfect tranquillity in this country; there was nothing likely to occur which could interfere with the public peace, and were the House of Commons to be told that in such a time of public peace, Her Majesty's subjects or individuals who had taken refuge here, were to have their correspondence opened at the will of the Secretary of State. It appeared to him that it was one of the most disgraceful transactions which was ever avowed in the House of Commons since he came into Parliament. He differed from the Speaker in the opinion which the right hon. Gentleman had expressed, that it was a case which did not require immediate redress. What was that owing to? If his hon. Friend the Member for Finsbury had not had the courtesy to have given notice of his intention to bring forward the subject to the Secretary of State for the Home Department, he could not be met with that objection; and he believed that the warrant had been abrogated that very day in order to afford the right hon. Baronet an opportunity of saying that the evil did not longer exist. If his hon. Friend had brought forward the subject yesterday, instead of having given notice, he could not have been met in this manner. If an officer of as high rank as any public officer in Europe, namely, the Secretary of State of Her Britannic Majesty, were to allow himself to be made a tool of other Sovereigns, it was degrading, and disgraceful, and discreditable to the country. What individual, he would ask, would like to see his correspondence opened and examined. It ought to be recollected that many a statement might be contained in a letter, which, although of no public importance, might be of great importance to the individual to whom it related, and no one would wish to see such letters opened. Nothing could be

more easy than for Her Majesty's Government to show that imminent danger, or any public necessity for the interference existed. If it were so; and that it was in order to avoid that danger, and for the public service, he used that foreign trick. The right hon. Baronet, for his own sake, ought to show that there had been such an urgent necessity for this proceeding.

Mr. *French* said, that if the letters of more than one were opened, there must have been a misdemeanour committed by those who did so in each case; for the right hon. Baronet had stated that he issued a warrant only for the opening of the letters of one of those individuals. The right hon. Baronet, in speaking of the warrant for opening the letters, said, the warrant had been withdrawn—so that he appeared to have been guilty of a misdemeanor in not having issued a special warrant for each letter, as this appeared to be a general warrant.

Mr. *Watson* begged to call the attention of the House to the words of the Act of Parliament. It was certainly an unconstitutional and unpopular power, and, therefore, they should look most strictly to the Act of Parliament. He wished to know what interpretation the Government put upon the Act of Parliament under which this power was derived. There was a great distinction between a warrant for the opening of any particular letter on any particular day, and a general warrant for opening all letters addressed to, or in the handwriting of, any particular individual. The House must recollect that there had been a great constitutional struggle with respect to general warrants. The old Act, the 9th of Anne, c. 10, s. 40, stated that when a letter was opened under this power, it should not be done, "except by an express warrant in writing,under the hand of one of His Majesty's Secretaries of State for every such opening, detention, or delay." Who could say that those words meant that there should be a warrant kept in force, until revoked, or open the letters addressed to any particular individual, or in any particular handwriting. Now, let them look to the statute of the right hon. Member for Taunton, which the House would recollect was introduced merely for the purpose of consolidating the Post Office Acts, and which could not have been intended by the right hon. Member for the extension of the power with respect to opening letters. The words which the statute of 1837 contained, were "nor open, detain, or delay in the Post-office any letter, unless in obedience to an express warrant?" Now what was meant by an express warrant, under the writing of one of the Secretaries of State, or the Lord Lieutenant of Ireland in the former Act? It could not mean a general warrant, and in looking to the existing Act, it was fair to look to the former Act, with a view to the interpretation of it. There was mentioned in the Act an express warrant for each letter; but the right hon. Baronet had only mentioned one warrant against one individual. That warrant was not now in existence—it could not, in fact, exist in point of time, for by law it could only apply to one letter. If any act of treason were likely to be committed, and that it was necessary to open a letter written by or directed to a particular individual, in order to prevent that, then a warrant would issue from the Secretary of State, directing that a particular letter, which would be in the Post Office on a particular day, should be opened; that a warrant would be issued upon information; but that would be a very different thing from issuing a general warrant. As a lawyer, he was accustomed to look to the words of Acts of Parliament, and he therefore directed the attention of the House to it. He wished to ask the Government if they put the same interpretation upon the Act which he put upon it?

Mr. *Christie* remembered, that the Home Secretary (Sir J. Graham) had on a former occasion taken credit to himself, because during the three years he had been in office, he had only expended a trifling amount of secret service money; but what had transpired to-day might perhaps enable the House and the country to ascertain whether he had not been enabled to dispense with secret service money by resorting to the system of espionage. The right hon. Baronet had been very communicative on the occasion to which he alluded, and when it was likely his statement would gain praise for himself or the Government; but now he would disclose nothing at all. The Home Secretary had resorted to the system avowedly in one case; he should like to know in how many other cases, without mentioning names, he had issued similar warrants.

Motion of adjournment negatived.

SUGAR DUTIES.] House in Committee on the Sugar Duties' Bill.

On the first Clause,

Mr. *Philip Miles* rose to propose the Amendment of which he had given notice. He must begin by stating to the House that several reasons prevented him from concurring in the proposition of the Chancellor of the Exchequer. In the first place, he did not think this was the proper time for bringing this question forward, nor did he think it should have been mooted at all, unless Government were disposed to look the whole question of the Sugar Duties boldly in the face, and put them on such a permanent footing as should be generally satisfactory, and set the question finally at rest. If they were not prepared to uphold the West India Colonies by granting them sufficient protection, it would be far better to throw off the mask at once and frankly say so, rather than encourage a further outlay of capital on the faith of protection which might soon be withdrawn. This measure was contrary to the policy hitherto pursued by the Government. When the right hon. Baronet at the head of the Government brought forward the tariff, he expressly stated, that he thought no Government ought to look at one part of the question without maturely considering the whole of it, and having done so he unreservedly recommended his measure to the House, and asked for a fair and impartial opinion, not on one part, but on the whole question. His right hon. Friend, however, (the Chancellor of the Exchequer) admitted that the present was a partial and not a final measure. It was not a settlement of the question; for the Government intended to propose a further alteration of the duties. If so, this was in his opinion the very reason why this alteration ought to have been postponed till Ministers were prepared to deal with the whole question. Independent of other considerations, great difficulty would be thrown in the way of the colonists by the avowal that it was the intention of the Government to make another alteration of the duties on Colonial produce. A much more straightforward course for the Government would have been, to have come down to this House and to have stated their wish to make an alteration in the Sugar Duties, in order to cheapen that article to the consumer, but to have frankly stated, that in carrying out their scheme the revenue would have suffered, and to have asked for a continuance of the Income Tax, in order to enable them satisfactorily to deal with the whole question. When the right hon. Baronet (Sir R. Peel), in 1841, spoke on this question, he quoted several passages from a notorious pamphlet of that time, written by Mr. Greg, of Manchester; and he finished his quotations with this extract:—

"That the prosperity of the West Indies can only be continued and insured by an extensive and systematic system of immigration, and by the temporary continuation of the present protective discriminating duties on sugar."

Where had that "extensive and systematic system of immigration" been put in practice? And what was the protective discriminating duty which they proposed? To use a common phrase, the right hon. Gentleman had left the West Indian Colonies a long way behind. For the right hon. Gentleman reduced almost to nothing the protective discriminating duties, and tells us, that he is about to grant a free system of immigration, and admit Coolie labourers, when he has effectually crippled the Colonies before the importation of labourers could have any result. The experiment of immigration would take at the very least two years to carry out, and would be attended with great expense, while, in the mean time, other countries which had cheap labour would be supplying the markets of this country at a great advantage. They had been told that the present measure was only a step towards free-trade, and when he coupled it with other measures which the present Government had brought in, he certainly concluded that the thoughts of the Treasury Benches were turning in that direction. If they thought such a system was for the benefit of this country, he did not blame them, but he asked them to carry out their principles a little further, and let the Colonies have the benefits of their first steps towards it. He thought the Colonies should have the benefit of the first reduction of duties, and were as fairly entitled to consideration as the agricultural or any other interest. If he looked at the tax which was levied upon them, he found that Colonial produce now bore a tax of 75 per cent., which increased as the price of the produce sunk in the home market. Canadian produce was now admitted at a nominal duty. Why not extend the same privilege to the West Indies. He had listened to his right hon. Friend in vain for information as to the grounds on which the present measure was introduced.

He had heard no account of the quantity of sugar that was to be expected—no idea of the difference of price it would make to the consumer—nothing beyond the fact, that on the day when he gave his notice to the House sugar was 2*s.* per cwt. higher than it was at the same period last year, and that our treaty with the Brazils expired in November next. But the right hon. Gentleman, the President of the Board of Trade, did give them a little more information, for he guessed at the quantity to be introduced, but then the right hon. Gentleman told the House that the price had nothing to do with it. In this he agreed, and he rested his argument upon it; for, though the right hon. Gentleman stated it as an argument, yet he left the real state of the question out of consideration altogether. Both the right hon. Gentlemen admitted that they were disappointed in their calculations of the supply which they should receive from India, and it was his belief that if these duties were placed upon a firm footing for ten years, that there would be an enormous stimulus to the production of sugar in India, a country which had already increased its production from 5,000 tons in 1836 to 50,000 tons in 1841, that from that source alone a very large supply would be derived, even larger than the West Indies would like to see introduced. But the encouragement of the growth of sugar in India would greatly assist the trade and commerce of this country, which would not be the case by encouraging the importation of Java sugars, which country took but a small proportion of our manufactures, and that at a duty of nearly 50 per cent. *ad valorem*. It was because he thought that the supply this year would be greater than the demand that he said this measure was uncalled for. He denied that there would be any deficiency of Import, and that the price this year had been exorbitant. He thought that the prevalence of the easterly winds sufficiently accounted for the small rise in price which had been noticed by the right hon. Gentleman. The stock in the United Kingdom on the 12th of June was 38,100 against 31,000 tons at a similar period last year, and in London there was an excess of 3,100 tons as compared with a corresponding period last year. According to the *Gazette* the average price was, in 1841, 38*s.* 2*d.*; in 1842, 37*s.* 1*d.*; in 1843, 36*s.* 10*d.*; and 1844, 37*s.* 3*d.*, up to the 1st of June, being 5*d.* higher than last year, and 2*d.* lower than the average of 1841, 1842, and 1843. On the 1st of January the stock in this country was 40,000 tons, and the supply this year, according to the best estimates, which were fully confirmed by recent letters, would be from the West Indies, 125,000 tons; Bengal, 60,000 tons; Madras, 5,000 tons; the Mauritius 30,000 tons—making, with the stock in hand, 260,000 tons. The consumption in 1843 was 202,000 tons, which would leave 58,000 tons to meet the increased consumption of the present year, and supposing, which was a high rate, that the increased consumption this year should be 18,000 tons, that would leave on the 31st of December, 1844, a stock on hand of 40,000 tons, being equal to the stock at the corresponding period of last year. His right hon. Friend might deny this, but the letters received by the last packet not only confirmed this estimate, but even put it at a higher rate. The noble Lord, the Secretary for the Colonies, when he brought forward his Canadian measure last year said, that he did so as one of justice and protection to that Colony, and that the Colonies were entitled to be treated as integral parts of the Empire; but it appeared to him that Her Majesty's Government had this Session altered their line of policy, and had made up their minds to sacrifice the Colonies for the benefit of the mother country. But a few weeks ago they took off the wool duty. That might be a benefit to our manufacturers; but, in what position did it place the wool growers of the colony of Australia? Was not the effect of it to place that Colony in a worse position in regard to competition with the foreigner by a 1*d.* lb. than it was before? now the Government intended to commence their hostile operations against the West India Colonies. During the last year the House of Assembly of Jamaica sent home a memorial to Her Majesty, on which the hon. Member for Wolverhampton the other night made some comments, and said the picture of distress which it drew was exaggerated; this, however, he denied, and he ventured to call the attention of the House to it. It stated—

"The experience of another year evinces, we lament to state, that the situation of the proprietary body of this island becomes more and more appalling; that the abandonment of a great proportion of the sugar and coffee plantations seems fast approaching, involving the, as yet uncompensated, extinction of immense capital invested in freeholds and manu-

factures. In almost every district of the island the progress towards abandonment is manifest, and the representation of the custodes and Chief Magistrates of the several parishes, made pursuant to the requisitions of this House, authenticate cases most distressing, of ruin perfected, and of peril impending, which cause the most fearful forebodings. In the midst of universal gloom and disasters we, however, look with confidence towards our gracious Sovereign and a Conservative Government, to throw over us the protection which we claim, as due to a long course of fidelity and loyalty, and to our great sacrifices in endeavouring to co-operate with your Majesty's Government in carrying out the benevolent scheme of Negro Emancipation. A reduction of the duties on British Muscovada sugar and British plantation coffee would afford signal relief to your Majesty's West India Colonies; but if that measure be accompanied by such a reduction of the duties on foreign slave-grown sugar and coffee as shall trench on that protection at present vouchsafed to us, then will the fate of your Majesty's ancient and loyal Colony of Jamaica be sealed, her suffering in the cause of philanthropy rendered abortive, negro emancipation proved a visionary phantom, and the fetters of the African elsewhere become rivetted and extended. We, therefore, implore your Majesty to direct your Majesty's Government to take these facts into consideration, and to continue to your loyal colonists, the planters and emancipated labourers of Jamaica, a real and saving protection; so that by the exclusion from the British market of foreign slave-grown produce, slavery and the foreign slave-trade may be effectually discouraged. We acknowledge with thankfulness the disposition evinced by your Majesty's present Government to confer on this colony greater facilities for carrying out an enlarged immigration scheme. We only fear that this measure may be realised too late to resuscitate our expiring agriculture, and from our impoverished condition, come too sparingly to fill up the blank caused by the secession of our quondam labourers from many of the established plantations."

And what was the answer which Her Majesty's Government, that Conservative Government on which they relied, would send back to the West India Colonies this year? They would say, "We will give you no relief: we deny your right to ask it, but on the contrary, we will give a spur to your production by the introduction of foreign free-grown sugar, at 34*s.* per cwt." Such an answer as this would not only create great dissatisfaction, but it would be considered a proof that Her Majesty's Government had no sympathy with, and no desire to assist, the distresses of these Colonies. To prove to the House that he was not desirous to exaggerate the distress of these Colonies, which the hon. Member for Wolverhampton the other night thought that many people were disposed to do, he would read the returns which he had received from one mercantile house of the losses on twelve different estates last year, made up to the 13th of April. Upon all of these estates there were heavy losses—and the losses were as follows:—

"The 1st estate 315*l.* 17*s.* 1*d.*; 2nd. 2,420*l.* 17*s.*; 3rd. 832*l.* 2*s.*; 4th. 5,083*l.* 8*s.* 2*d.*; 5th. 3,470*l.* 12*s.*; 6th. 3,444*l.* 17*s.* 5*d.*; 7th. 8,018*l.* 2*s.* 4*d.*; 8th. 10,301*l.* 8*s.* 2*d.*; 9th. 2,255*l.* 18*s.* 9*d.*; 10th. 442*l.* 11*s.* 9*d.*; 11th. 478*l.* 12*s.* 6*d.*; 12th. 770*l.* 18*s.* 5*d.*"

And yet his right hon. Friend the other evening endeavoured to persuade the House, that this was a measure best calculated to increase the permanent prosperity of those Colonies, and that it was of the greatest importance before an importation of Coolie labourers took place, that the West Indian planters should know the precise amount of their protection; but in the same breath the President of the Board of Trade told them that no Minister would be justified in giving them a protection of 10*s.* if Coolie labour were introduced, and that, in his opinion, no legislation whatever could restore the prosperity of these Colonies. Why, if this were the case—if this were the sort of protection that was to be given to them, far better would it be at once to strike out from the Map of our Empire, our West India Colonies, than to treat them in this inconsistent manner. The noble Lord, the Member for London, doubted whether the West India merchants were as well satisfied with the right hon. Gentleman's regulations as to certificates of origin, as the right hon. Gentleman himself appeared to be. Why, he could state, in reply to the noble Lord, that there was but one feeling on the subject, that was universal dissatisfaction and distrust. The difficulties were too great, and the temptation to evade the difference of duty too strong to enable the right hon. Gentleman to prevent the introduction of slave-grown sugar. He was quite ready to give the right hon. Gentleman full credit for his anxious wish to secure himself against any imposition. But he would tell him that his precautions would be ineffectual, and his regulations inoperative, for in spite of them, slave-grown produce would find its way into our markets. Why, even in the Custom-house here, where we take credit to ourselves for efficient management, we could not prevent

frauds, how much less then could we hope to prevent them in foreign countries. What power he would ask did a Consul possess? Could he ascertain that sugar was grown where it was represented to be? and could he be aware of all the smuggling transactions and all the forms of imposition that would be practised? The right hon. Gentleman denied that any importation of sugar would take place from the United States, from Cuba, or Porto Rico. But just look at the position of New Orleans, one hundred miles from the mouth of the great river Mississippi. The sugar plantation of Louisiana reached to within thirty miles of the mouth of that river, and there was no reason why vessels from Cuba to Porto Rico, laden with slave-grown sugar, should not unload their cargoes at the planters' very doors, and the same cargoes be transhipped here as the produce of the United States. If there were only a line of seaboard there might be some security, but such a river as the Mississippi gave the greatest facilities for this species of smuggling. The right hon. Gentleman the President of the Board of Trade, quoted the high price of sugar which prevailed in the New York market as a reason why the sugar-growers of America would not be tempted to send their produce to this market. But the market of New York was the highest in the United States, and bore no proportion to the general price in the country. He had received a letter by the last packet from Louisiana, in which it was stated that the price of sugar there, was six cents per lb., but it also stated, that the planters were actually coining money at that price; thus showing, that this price was higher than the usual average, and by no means the prevailing one—and, taking everything into consideration, it would not be doubted that there would be many periods when it would be profitable to make shipments of sugar from the United States to this country. For the first five months in the year 1843, the average price was 2*s.* higher in Liverpool than in New York, so that this circumstance alone, would, if they then possessed the privilege which this Bill was to give them, have induced the sugar planters of Louisiana to prefer the former market. It appeared by the speech of one of the Members for Lousiana in Congress that an enormous extension of sugar plantations was taking place in that State, and that an increase of not less than 22,000 tons was expected on the crop of last year. Considering, then, the fertility of the soil in Louisiana, and the energy of its population, he could not doubt that when the market of this country should be opened to them, they would not only raise enough sugar to supply themselves, but an excess for export to this country. The President of the Board of Trade, said, that the noble Lord, the Member for London had made a very bold assertion when he stated that the freights from New Orleans to Liverpool were lower than the freights to New York, and quoted the instance of ships laden with cotton, as a proof of the noble Lord's error. But what is the actual fact? He found, on referring to the *New Orleans Price Current*, that the noble Lord was right—for whilst the freight to Liverpool was 9-16ths of a penny per lb. that to New York was 11-16ths. They had also been told, that the Treaty of this country with the United States, could be amended by giving twelve months' notice on either side; but Her Majesty's Government did not say they would give that notice. Neither did he believe that any Minister would consent to disturb the amicable relations between these two great countries on account of such an importation as he had alluded to. Foreign sugar, of which free-labour sugar formed a part, was now quoted at an average price of 18*s.* per cwt., at which price it could be profitably raised. This, added to the 35*s.* 8*d.* duty, made the price 53*s.* 8*d.*; and the price therefore, at which it could be brought into our markets under this Bill, would be sufficiently low to throw half the estates in the West Indies out of cultivation. Her Majesty's Government might derive a considerable revenue from this measure, but he contended, that the benefit which the consumer would derive from it, would be paid for out of the pockets of the Colonists, as it would be the ruin of the colonists, and the destruction of our valuable colonial trade; the decreased price which the colonists would get for coffee and sugar, would entail on them a loss of not less than 1,500,000*l.* annually, whilst the consumer would not benefit by a decrease in price of more than 1*s.* 2*d.* per pound. One word on the subject of coffee. When the Tariff was brought forward, the duties on foreign and colonial coffee were respectively 8*d.* and 4*d.* per lb., and the 8*d.* duty on foreign coffee, had since been reduced to 6*d.* the professed object being to benefit the consumers, and to encourage the trade with Brazil. But if the

right hon. Gentleman would consult the City brokers, he would find, that very little Brazilian coffee was used in this country; for, in consequence of its disagreeable flavour, the people of this country would not buy it. And what had been the effect of thus settling and unsettling the duties on coffee? There were many persons in 1842, who thinking they could rely on the faith of Her Majesty's Government—invested large sums of money in the production of coffee, particularly in Ceylon; and yet, before their first crop could reach this country, the protection on which they calculated was diminished one-half, and they had to encounter great loss where they had a reasonable prospect of profit. Really, when he looked at the course taken by Her Majesty's Government, he could not help asking what confidence the merchants of this country could have in the stability of their commercial regulations. What assurance had they that his right hon. Friend would not come down next year, and diminish that protection which he proposed to give the colonies this year, by one-half. These continued changes were really productive of the most serious injury. He readily admitted, that the Amendment which he brought forward, and which had been submitted to and approved by the Members of the West Indian body, did not give as large an amount of protection as they desired, and as they thought it just they should retain; still it was far better for them, than the measure proposed by Her Majesty's Government. Her Majesty's Government had refused to listen to every remonstrance, and they could not therefore be surprised if the West India interest, on their part, endeavoured to make the best terms they could for themselves. He knew he should be taunted with endeavouring to gain support from the opposite side of the House. He did not deny it. If the Government would give them no relief, they must seek it for themselves; and they thought it the wisest course to give up the larger amount of protection, which they did not think exorbitant, and content themselves with that which they had a chance, though probably a remote one, of carrying. He believed, that a reduction of the duties generally on colonial and foreign sugar would give them more advantage, inasmuch as a protection of 10*s.* on 20*s.* was a larger protection than 10*s.* on 24*s.*; but he was precluded by the forms of the House from asking for a higher differential duty on the higher qualities of sugar. He was told that Her Majesty's Government did not contemplate letting in these higher qualities at the same duty; but in the Bill before him, he found the words "or sugar not being refined;" and he was assured by the best authority, that the higher qualities of Java sugar would be introduced under these words. He thought it was only right that the duties on such sugars should not be left to be determined, by the notions and caprice of Custom-house officers. Other countries placed discriminating duties on different qualities of sugar, according to the saccharine matter contained in them, and he did not see why the same thing could not be done in this country. The West Indian planters were frequently told that they had received full compensation, and that they ought not now to ask for protection. But what was the amount of the compensation which they had received—it was compensation for property which was five times the value of the compensation. If when this House voted that compensation, they had at the same time granted a system of free immigration of labour into the West Indies, the West Indians would not now have had to complain of the insufficiency of that amount. The amount of immigration had been so little adequate to the wants of the Colonies, that it had scarcely supplied the deficiency of labour created by the withdrawal of negroes who had gained sufficient capital to squat on their own land. He confessed the superiority of free over slave labour, provided there was a sufficient supply of the former; and if the noble Lord the Secretary for the Colonies would provide a sufficient supply; if all restrictions on immigration were removed, and time were allowed for this system to come into operation, he did not hesitate to say that the West India Colonies would require but a small amount of protection. Emancipation was a farce; the compensation money was thrown away; and the West India Colonies were not worth preserving, if they were not prepared to protect them, until they had emerged from the difficulties in which they were involved by no act of their own, but by an act of the Legislature of this country. Look to the wages of labour in these Colonies. In Jamaica, in British Guiana, and Trinidad it was from 3*d.* to 4½*d.* per hour, whilst in Barbadoes it was 2*d.* to 2½*d.*, and there was the greatest difficulty, nay, it was almost impossible, to procure continuous labour. He was obliged to calculate labour by the hour,

because such a thing as a fair day's labour was almost unknown in these colonies. If it were said, that they wished to grind the negroes down and return to a state of slavery, he denied it; all they wished was continuous labour—labour on which they could depend. What was the consequence of this state of things? In Jamaica, British Guiana, and Trinidad estates were scarcely saleable at any price, whilst, in Barbadoes, and other islands, where labour was more abundant, though they would not fetch the prices which they did formerly during the existence of slavery, yet still a tolerably fair price could be obtained. The hon. Member for Wolverhampton had stated in that House, that it was a common opinion, that the land in the West Indies was exhausted and would not yield the crops it formerly did. It was no more exhausted than the land in the neighbourhood of London was exhausted. It was worn out just in the same sense as the land in Virginia was said to be worn out, when the planter having taken large crops for twenty successive years without manuring, almost without cultivation, removed with his goods, chattels, and slaves into the far West, to seek a spot where the fertility of the soil was more remunerating, where his toil would be diminished, and where he might follow the same system of negligent husbandry for the next twenty years to come. The course that Her Majesty's Government were taking, was this. In one breath they denied to the West Indian planters that labour which alone enabled them to produce sugar, and consequently, the power of manufacturing it in the most profitable manner, and yet the Ministers told them that the time had now arrived when their monopoly must cease, and the consumer must have cheap sugar, and their protection must be taken from them. Perhaps hon. Members were not aware that one-tenth of the sugar imported from the West Indies was lost in the passage from the drainage of molasses, and that the quality was also deteriorated. He had letters in his pocket from practical refiners which stated, that the sugar from foreign countries was superior to our West Indian sugar by 4*s.* to 5*s.* per cwt.; and that they preferred it at that advanced price, if this was the case, it afforded another reason why discriminating duties should be allowed for the different qualities of foreign sugar. The Chancellor of the Exchequer might object to his Amendment on the ground of revenue, but he thought that even on his right hon. Friend's own showing, he could prove to him, that the revenue would not be so much deteriorated. He at least was convinced from the present state of the sugar market, considering the probable crops and the amount of sugar on hand, that the revenue would not be much diminished by his amendment. [The hon. Member read a series of Returns and calculations to elucidate this point, and then continued.] Some hon. Gentlemen might object to the Amendment, because it was not proposed to come into operation till the 10th of November, and from the fear that it would embarrass the markets, but he could tell them, that the markets could not well be worse than they now were, for it was scarcely possible to sell sugar at all. He had received that morning a Resolution from the body of merchants engaged in the West India trade in this city, approving of his Amendment, and he hoped that their opinions would be entitled to some consideration, whatever might be the case with his own. Considering the very low state of the stocks in this country, the approach of the fruit season, the circumstance that the great consumption of sugar was by the wealthier classes, he could not but believe that a considerable consumption must take place between this and November, although there might be some trifling falling-off in expectation of the reduction which would then take place. He thought that the continuance of the cultivation of sugar, both in the East and West Indies, was of the greatest importance to this country. Our exports to the West Indies were not less than 3,000,000*l.* per annum. The shipping engaged in this trade was by no means small, nor were the contingent advantages derived from it unimportant. Centuries ago it had laid the foundation of our prosperity; it was the origin of our naval superiority; it had pointed out to the successive rulers of this country the importance both of colonies and commerce; and it was, in short, the great commencement of that colonial empire which was the envy and admiration of modern times, and which, since its establishment, had continued a steady and never-failing source of Revenue to this country. He wished the Chancellor of the Exchequer would pay a visit to his estates in that part of the world, and take his right hon. Friend the President of the Board of Trade with him. He would then see that those noble isles would become one of the brightest possessions of the British Crown, if dealt with as they

ought to be—he would remember on those shores that the great principle of Emancipation was first carried out, and he would then be the last person to wish that these islands should afford an example to the world of the non-success of that great experiment, and thus deter other nations from following our philanthropic example. He would then ask the right hon. Gentleman to pass over the neighbouring island of St. Domingo—to view the land which was formerly fertile cane fields, now overrun with wood and a total wilderness as regards its towns, the very spectres of their former grandeur—its diminished and impoverished population, emulating each other in idleness and inactivity—its deserted ports—its trade ruined—and which had at last, by its despotic tyranny, goaded the people into insurrection. He asked the right hon. Gentleman to consider this, and though he did not pretend to say that such would be the fate of the West Indies, yet he put to the right hon. Gentleman most seriously the question, whether the white population would remain in those islands when they could no longer compete with foreigners—whether they would not carry their capital, their skill, their energy to a better market, and leave those once fine possessions a miserable waste? Already several estates had been thrown up. Let the Government take care, that they did not increase the quantity. It was bad faith to abandon these colonies to their fate now, merely because they were not so necessary as formerly to our home trade. New outlets for our manufactures, new sources of revenue had arisen—and, therefore, they despised them. All he asked of the House was, to save those noble possessions, if not from total ruin, at least from the deep distress and great embarrassments with which they were threatened. He knew that the arguments which he had brought forward would meet with but little mercy from the Treasury Benches, and that they might be annihilated and scattered by the talent which would be arrayed against him; but it was not because he was not able to state them as forcibly as he wished, that he was the less convinced of their justice and truth, and that the protection for which he asked was neither exorbitant nor unfair. It was with great pain that he opposed a Government which he generally supported. From the Ministers he was aware that he could not ask for assistance. Might he ask for support from hon. Gentleman opposite. They, who had hitherto asked for cheap sugar, would they refuse to vote for it now because it gave to the West Indies an insignificant and inadequate protection. To the agricultural Members in that House he also appealed. He asked them to support the Colonies in their just demands for protection. The colonist stood in the same position as the English agriculturist—as a cultivator of the soil, the only difference was, that the farmer in this country grew wheat, and the farmer in the West Indies grew sugar. He begged to remind the agricultural Members, that if the protection of the colonists was diminished now, with their consent, it might soon be their turn to have their own protection diminished without the colonist moving a finger in their behalf. He begged to thank the Committee for the patience with which they had heard him, and concluded by moving the Amendment of which he had given notice :—

"That from and after the 10th day of November, 1844, the duty upon sugar, the produce of British possessions, be reduced to 20s. the cwt.; and, that the duties on sugar, certified to be the growth of China, Java, or Manilla, or of any foreign country, the sugar of which Her Majesty in Council shall have declared to be admissible, as not being the produce of slave-labour, shall be as follows,—namely, brown, Muscovado, or clayed, the cwt. 30s.; white clayed, or sugar otherwise prepared, and equivalent to white clayed sugar 34s. With 5 per cent. thereon."

Mr. *Baillie* said,—Sir, I rise to second the Amendment which has just been submitted to the House by my hon. Friend the Member for Bristol, and in so doing I confess I connot refrain from expressing my regret that Her Majesty's Ministers, if they deemed it necessary to make an alteration in the existing duties upon sugar, should not have done so upon a more enlarged and liberal scale; for I believe the measure which has been proposed by my right hon. Friend the Chancellor of the Exchequer possesses the singular infelicity of disappointing all parties, and of pleasing none. It has disappointed the free trade party as a matter of course, because it will not give them cheap sugar; it has disappointed the West Indian body, because it is no settlement of the question, but leaves them in a state of doubt and uncertainty as to the future, which is most injurious to their interests: and lastly, it has disappointed that body which I admit has become somewhat attenuated, and no longer possesses the same political influence which

it did formerly, but which still adheres to the principle that the Government of this country should not, under any circumstances, give encouragement, either directly or indirectly, to the Slave Trade. I have often heard it asserted by hon. Gentlemen opposite, that the existing Sugar Duties were maintained at the instance, and through the influence of the West India body, and I really should feel obliged if any hon. Gentleman would inform me what influence that body possesses either in this House or out of it, because if the West India body possess any influence, I feel persuaded they will use it upon the present occasion, in order to defeat this measure of Her Majesty's Ministers; the fact is, however, that the West India interest possesses no political influence whatever, and I feel persuaded that I do but express the sentiments and feelings of that body, as well as of all those connected with our sugar-producing Colonies, when I state that they are most anxious for a final settlement of this question, whatever that settlement may be. They no longer wish to be kept in a state of doubt and uncertainty as to their future fate; they wish to be enabled at once to decide whether it will be for their interest to carry on the cultivation of their estates or to adandon them; and there is nothing which they more utterly deprecate than a measure like the present, which must of necessity be only of a temporary nature. Various plans have at different times been proposed for a more satisfactory settlement and adjustment of the Sugar Duties; some of those plans have emanated from hon. Gentlemen opposite, who entertain very extreme opinions with regard to free trade; others, again, from those who are connected with our West India Colonies; but of all the plans which have from time to time been given to the public, not one, I believe, has met with more general disapprobation, or created more universal discontent, than the measure now proposed by Her Majesty's Ministers. As far as the West India body are concerned, I have no hesitation in saying, that they would infinitely prefer the plan which was some years ago proposed by Mr. M'Gregor, of the Board of Trade—viz., that a duty of 15*s.* per cwt. should be placed upon all British plantation sugar, and 30*s.* per cwt. upon the sugar of all other countries. Such a plan is at least plain and intelligible; if it does not give a great protection to the West India interest, it does not, at all events, encourage fraud. They would know, at least, what they had to expect, and if this plan were carried into effect, there cannot be a doubt that it would greatly reduce the price of sugar, that it would stimulate consumption, and that it would ultimately, with benefit to the consumer, add to the revenue of the State. What, then, are the objections which have been raised against this plan? The only objection hitherto urged has been one of principle, viz., that it would be a direct encouragement to the Slave Trade. There cannot be a doubt that it would be so; and so long as the principle of not giving encouragement to the Slave Trade was maintained by the Government, it was no doubt a very valid and a very justifiable argument; but the plan now proposed by Her Majesty's Ministers, if not a direct, is at least an indirect violation of that principle, and, if this be true, which I think I shall have little difficulty in proving, then I say that the great body of consumers in this country have a right to enjoy all those advantages of which hitherto they have been deprived, solely upon the ground of maintaining this principle, and for the maintenance of which the people of this country have made such great and such generous sacrifices. What I contend then is, that the measure proposed by Her Majesty's Ministers violates the principle, and that it does not give to the people all the advantages that might be derived from it. What would be the effect of this measure as regards the United States of America? It has already been admitted that the southern states of America produce annually about 50,000 tons of sugar, that is, about one-fourth the consumption of this country; but my right hon. Friend the Chancellor of the Exchequer does not seem inclined to admit the possibility of American sugar entering into competition in the markets of this country with the produce of our own Colonies, and the right hon. Gentleman the President of the Board of Trade seemed to treat with contempt the argument of the noble Lord the Member for the City of London with respect to American sugar; he seemed to think that it was preposterous and absurd to suppose that American sugar could be brought with profit to this country; but how did he sustain his argument? By misquoting the prices of American sugar; that is, by quoting the prices of New York instead of New Orleans. Why, who ever dreamed of sugar coming to this country from New York? The right hon. Gentleman stated that the price

of sugar in America was from 35*s.* to 40*s.* per cwt., which was about the price in this country, and therefore that it was impossible for American sugar to come to England subject to the additional duty and freight. Now, it so happens that the price of sugar at New Orleans rarely exceeds 25*s.* per cwt.; and I now hold in my hand an extract from a New Orleans newspaper which I will take the liberty of reading to the House, both to show the usual price of sugar at that place as well as the great increase and development of sugar cultivation which has taken place within a few years in the state of Louisiana. The paper says—

"5½ cents per lb. (which is equal to 25*s.* per cwt.) is very rarely procured for sugar, and never, we believe, when the crop is full; sugar in the United States is a subject of increasing interest: the demand is rapidly advancing; the state of Louisiana has 700 plantations, 525 in operation, producing annually about 90,000 hogsheads of 1,000lb. each; the protection afforded by a tariff has greatly increased the production of sugar in the United States; from 1816 to 1828 this increase was from 5,000 to 45,000 hogsheads."

Now, the question is, whether the sugar of the southern states could be profitably exported to this country, because, being the produce of slave-labour, it ought not to be admitted, according to the principle laid down by Government. In reference to this subject I shall take the liberty of reading an extract from a letter which I have received from a gentlemen, whose name was mentioned when this subject was last discussed, as having addressed a letter to the Chancellor of the Exchequer, viz. Mr. Innes; the arguments in that letter were to a certain extent answered by the right hon. Gentleman the President of the Board of Trade, who attempted to obscure by a very laboured argument what appears to me to be a very simple proposition. Mr. Innes states—

"In my letter to the Chancellor of the Exchequer I say, as the southern states are large exporters of cotton to this country, and ships loaded with cotton require to be supplied with dead weight or ballast, the sugar may be all shipped to this country at as little if not less freight than is charged for its conveyance to New York."

The right hon. Gentleman (Mr. Gladstone) met this argument by stating that cotton is shipped from New Orleans to New York as well as to Liverpool, and that the one must require ballast as much as the other. If the quantity of sugar shipped to New York was no greater than to ballast the cotton ships, this reply would be conclusive; but such is not the fact. The sugar shipped from New Orleans to New York so greatly exceeds the quantity required for ballast, that the very first ship in the *New York Shipping List*, now before me, dated the 15th ult., is the Sabine, with a cargo, consisting exclusively of sugar and molasses. In a letter I have received from Liverpool it is stated—

"That the cotton ships from New Orleans to that port bring lead at a nominal freight, or more generally for nothing, as ballast, and that lard is brought as ballast for about 1*s.* per cwt., which I presume would be about the freight of sugar, whereas the freight from Jamaica is 5*s.* per cwt. The argument that the United States may grant a bounty on exportation equal to the duty on foreign sugar remains unanswered; it is clear such bounty would not occasion any sacrifice of revenue to the United States, whilst it would give to their sugar a decided advantage in the markets of this country over the sugar of our own possessions. Mr. Gladstone indeed said, that in the event of such a measure being resorted to it would be competent to this country to put an end to the treaty with the United States on twelve months' notice, but he did not add that such notice should be given."

It is quite clear, then, that we place it in the power of the United States to send sugar to this country at a less price than is charged upon the sugar the produce of our own Colonies. It is quite immaterial whether any such Custom House regulation as that alluded to exists at present or not, since it is evident that if it suits the commercial interests of the United States, such a law may very soon be enacted, as it may be without injury to the revenue; and thus we shall not only receive the produce of slave-labour, but the vacuum created in the United States will be filled up from Cuba and Brazil, and we should thus give direct encouragement to the Slave Trade in those countries where for the last twenty years it has been carried on with the greatest activity and the greatest perseverance, and whose Governments even at this moment are giving open encouragement and protection to that trade; for by the last accounts received from Havannah, it is stated that the Slave Trade is openly encouraged and protected by the new Governor General, O'Donnell, and that there never were before at any period so great a number of slave ships fitting out at the port of Havannah, and this in spite of your threatened squadron upon the coast of Africa, which, I doubt not, will turn

out, as all your previous efforts have done, to be utterly abortive; for when I see that, in spite of an army of Custom House officers and preventive-service men, with revenue cutters upon every point, you are unable to prevent smuggling from the coast of France—when I know that in spite of all your precaution goods may be obtained from France through the smuggler at a cost, I believe, of not more than 10 per cent.—when I know this, I cannot believe that a squadron of ships, even under the command of that experienced and able officer Captain Denman, will enable you to put down smuggling upon a coast of not less than 5,000 miles in extent. And now I should be glad to ask a question of the right hon. Baronet at the head of the Government of considerable importance to the West India interest, viz., whether it is his intention hereafter to make a treaty of commerce with the Brazils, because, if he does entertain any such intention, it is obvious that the first Article of that Treaty must be to place the Brazils upon the footing of the most favoured nation; no independent country would make a Treaty upon any other terms, and thus the sugar of Brazil would be admitted at a differential duty of 10 per cent. If the right hon. Gentleman is prepared to state that he will not make such a Treaty, the argument, of course, falls to the ground. I cannot suppose, however, that he is prepared to make any such absurd declaration; and what is the consequence? You leave the unfortunate planter in doubt and uncertainty from day to day, and from month to month, whether this new combination may not arise under your Bill, most injurious to his interests; and then you expect that the merchants of this country, in the face of these difficulties, are to embark fresh capital in order to bring labour to the West Indies from India and China. You may be perfectly satisfied that no man of sane mind will embark in any such speculations, your emigration scheme will now be a dead letter, and I understand that those planters who did intend to avail themselves of the permission to obtain labourers from Singapore have now relinquished all such intentions. If this, then, be a true representation of the real state of the case,—if these are the consequences likely to result from this measure, if it is calculated to give impulse either directly or indirectly to the Slave Trade, then I say that the people of this country have a just right to complain of the tortuous course adopted by Her Majesty's Ministers. The West India body have a right to complain, because this is no settlement of the question, and the measure evidently contemplates further changes; and the Government ought at least to have been able to make out a strong case,—they ought at least to have been able to show that a great necessity existed, that a great deficiency of supply was to be expected this year, in order to justify a measure which cannot be regarded in any other light than a mere temporary experiment; they have not attempted so to do, because they knew the very contrary to be the case. The supply from the Colonies last year exceeded the consumption of the country by 2,000 tons. On the 1st of January there were 46,000 tons in hand, and this year 13,000 tons more are expected from India than were imported last year; at least 5,000 more are expected from the Mauritius, and an equal importation is expected from the West Indies, notwithstanding a partial deficiency from the island of Jamaica, and that upon this ground there is no justification for a partial or temporary measure. If it is necessary for this country to raise a large revenue from sugar, common sense would dictate to us to endeavour to raise that revenue as much as possible upon foreign sugar, and not upon the produce of our own Colonies; that is the only way in which we can give encouragement to free labour. No foreign country can have a right to complain of this, more especially when it is considered that the produce of our own Colonies is raised at so much greater an expense by free-labour, and that the sugar of foreign countries is raised for the most part by slave-labour; such a course would at least be intelligible, straightforward, and honest,—it is the course which I feel perfectly convinced will ultimately be adopted in this country; in the meantime, however, by a vacillating and uncertain policy, you will bring misery and destitution upon thousands of hapless individuals, for by keeping the unfortunate Colonists in a state of doubt and uncertainty as to the future, you will keep alive false hopes and false expectations; you will induce them, as you have induced them for some years past, to spend their last resources in the vain attempt to carry on under the existing system the cultivation of their estates, and you will thus lead them, step by step, into that irretrievable state of ruin in which I fear now they must be ultimately overwhelmed.

Mr. *Ewart* said, that the proposition

before the House was very clear and simple. It consisted in reducing the duty on a certain class of sugars, namely, Muscovado sugars to 20*s.*, and other sugars to 30*s.* Now he thought that the same distinction should be made between our own white clay sugars and Muscovado sugars that were made between foreign sugars of the same description, for as the proposition now stood, it was but little calculated to stimulate the consuming power, and he could not therefore support it. He quite agreed with the hon. Member who seconded the Motion as to the tortuous course which the Government had pursued upon this subject, but he felt satisfied at the same time, that the question could never be settled to the satisfaction of the public, or the benefit of the revenue, until the duty on all sugars of home or foreign-grown should be equalised.

The *Chancellor of the Exchequer* said, that it was very natural that his two hon. Friends the Mover and Seconder of the proposition before the House, should be desirous of expressing their opinions on the principle of the Bill, notwithstanding the previous discussions it had undergone interested as they both were in the well-being of our West India Colonies. But, at the same time, he must say that speeches upon the principle of the Bill did not well apply to the resolution before the House that evening; and if he did not go through those arguments again, it was only because he felt that they did not apply to the question then before them. Did not his hon. Friends see that every objection they urged against the Government measure, bore as strongly against their own resolution? His hon. Friends must feel this in their own minds, when they came to a reconsideration of the subject. He would recall to the recollection of the House what passed on a former occasion when he made his financial statement for the year. He then submitted to the House the state of the revenue and expenditure of the country, and the course which the Government intended to pursue with reference to both. He pointed out the impossibility in the present Session of making any large reductions of duty, because it would be necessary in the next Session to consider whether or not the Property Tax should be continued, and the Government did not feel that it would be just or reasonable to fetter the judgment of Parliament as to the continuance of the Property Tax next Session by any reduction of duty in the present that would so seriously affect the revenue as to leave Parliament no alternative. It was undoubtedly true that there were some individual objections made to his statement at the time; but he believed that generally it received the concurrence and confirmation of the House, as being, on the whole, the best arrangement that could be arrived at. Not only was there a general concurrence in the views of the Government on that occasion, but the reasons assigned for not making any material change in the duties on sugar were deemed satisfactory on the ground that it was improper this year to deal with so large a question of revenue and that it was necessary to provide in the present state of the market for an increased supply of sugar on the termination of the treaty with the Brazils. He called these circumstances to the recollection of the House to show that he then stated the same reasons against any reduction of duty which he now urged against the resolution of his hon. Friend. The effect of the proposition of his hon. Friend would be not to benefit the consumer, but to put money into the pocket of the intermediate parties between the consumer and the planter. He was glad to find that the resolution of his hon. Friend accorded with the views of the Government so far as to the admission of free sugar after the termination of the Brazilian treaty on the 10th of November, and so far as the estimate made by the Government as to the degree of protection that ought to be given to the West Indies. ["No."] Why surely the resolution proposed the same differential duties that the Government proposed, but with a very different effect upon the revenue. No greater protection could be given by a differential duty of 20*s.* and 30*s.*, than by one of 24*s.* and 34*s.*, and therefore, both in the view of his hon. Friends and of the Government, a 10*s.* protective duty was adequate. What, then, could be the advantage of adopting the resolution before the House? None whatever to the consumer, and a loss to the revenue of the country. By the proposition of the Government, his hon. Friends admitted that the consumer would benefit a halfpenny in the pound. Would their resolution give him a greater benefit? It must be recollected, that when that proposition was made, there was reason founded upon the consideration of facts connected with past years to apprehend

a short supply of sugar. In 1843, the quantity calculated on was 220,000 tons, but the actual quantity imported was only 204,000. Now, as the quantity consumed in the last year had been 203,000 tons, nearly equal to the whole quantity imported, there was every reason to expect a large increase of consumption for the year 1844. The total supply for that year calculated on from our own possessions was 220,000 tons, about the same quantity that was calculated on in the year 1843. There would be a large decrease, he had himself reason to know in the produce of Jamaica, as the crops there had fallen short on various estates, and many estates had been given up altogether. Therefore they had reason to calculate on a deficiency of supply when from the great improvement that had taken place in the manufacturing districts there was a just expectation that the consumption would be largely increased. It was also seen that prices were progressively advancing, and it therefore became the duty of the Government to provide for the probable wants of the country by the introduction of a further supply. It was not at the same time proposed to introduce such a large quantity of sugar as could seriously affect, still less overwhelm as it was said, the West India planters. There could not be any importation of sugar from Java or Manilla for several months, and as certificates of origin were required to accompany their sugar, a considerable period must elapse before any supply could be had from any distant quarter. That part of the proposition of his hon. Friend which went to give notice that a reduction of the duty on British sugar would take place in November, would be attended with very injurious effects. No man would purchase sugar or increase his stock until the reduction actually took place, and the consequence would be, that the trade would during the interval be completely paralysed, and the market stinted in supply; and this would occur, too, at a period of the year when sugar would be in most demand, because it was the period at which it was required for the preservation of fruit. On the whole, then, his conviction was, that his hon. Friend greatly overrated the advantage which he calculated to the British sugar grower from his proposal, and equally underrated the injury likely to be produced to the consumer as well as to the revenue of the country. It was objected to the measure of the Government that it imposed an equal differential duty of 10*s.* upon all foreign free labour sugar without distinction as to equality. But he (The Chancellor of the Exchequer) had stated as the result of his examination that there was no greater difference in equality between the high and low priced sugars of Java and Manilla than between the high and low priced sugars of British production, and if it were fair to impose an equal duty upon all British sugars, that principle would not be carried out unless it were also applied to the foreign sugars with which they competed. Another objection on points of detail had been made by hon. Members. It had been said by the hon. Member for Dumfries, that the time had been when a distinction was made as to the duties imposed on the different classes of British sugar. The hon. Member for Dumfries had therefore contended that there should be such a distinctive duty; but the difficulty of drawing the line between the various descriptions of British sugar had been the reason why it had been abandoned. Now, the difficulty—whatever it might have been formerly—must be enhanced by the resolution of the hon. Gentleman. The hon. Gentleman said, let there be a light duty upon brown Muscovado, and upon white clay a duty of 34*s.* Now he had consulted, during his examination of this subject, many of the most experienced officers of the Customs, and they had informed him that there was the greatest difficulty in drawing the line between white clayed sugar and a description of sugar slightly refined which was not admissible. Commercial Members would know that many cases had occurred in which certain sugars had approached so near refinement that a question had been raised whether it was or was not admissible. The white clayed was a new distinction, and the new difficulty would arise of drawing the line between clayed and white clayed. There was a risk to the British grower that refined sugar would come into competition with colonial sugar — and there was a risk to the revenue that the one would be substituted for the other. But with respect to the risk as to the introduction of white clayed sugar in great quantities from countries which the resolution admitted, he had made inquiry, with the view of ascertaining whether the general quality of sugars in Java and Manilla, was such as to give a superiority over those now introduced into the British market. Now there was no

commodity from the East equivalent to the fine sugar of Havannah, and, therefore, having laid down the principle that the medium duty on British sugar ought to apply to foreign, he did not see the necessity for this additional item in the tariff, creating, as each additional item necessarily would, doubt and difficulty, and with them injury to the buyers and sellers of the article. Whether it might be possible to draw a more definite distinction between the classes of British and foreign sugar was a question into which he would not enter. If it were possible, it was a subject well worthy of consideration. At one time, in an earlier period of his life, he had brought forward a resolution in that House with that tendency, but it had not been favourably received, and he had not persisted in it. He had, however, the consolation of a subsequent confession from Lord Sydenham that the attempt was praiseworthy, and that he regretted that he had ever opposed it. This admission of former opponents to his resolution—that it had some merit—led him to be not so much terrified by the combination by which his present measure had been attacked. He believed that reflection now, as then, would lead to a change of opinion. His hon. Friend behind him had told him that this measure, admitting free-labour sugar, had caused great alarm to the Legislatures of the West Indian Colonies, and he had referred to an address of the Legislature of Jamaica. If his hon. Friend had read that address — as no doubt he had—he would see that it expressed no opinion unfavourable to the principle of the Bill—that sugar, the produce of free labour, should be admitted into the markets of this country. They prayed that "sugar, the produce of slave labour, should not be admitted;" but this exclusive and particular reference to slave-labour sugar — this request that such sugar should not be admitted—justified the inference that they were not desirous of excluding sugar the produce of free labour. His hon. Friend had entered into many topics rather applicable to general principles than to the immediate question before the Committee. Those questions were disposed of by the resolution which the hon. Gentleman had proposed, for that resolution admitted the same principle as that upon which the measure of the Government was established, viz., not only that foreign free-labour sugar should be admitted upon a differential duty, but upon that very differential duty which the Government had proposed. The hon. Gentleman had referred to free-trade. He knew that there was much objection to that phrase upon the part of many hon. Members; but it was not because that phrase had excited obloquy, in consequence of the manner in which it had been used, that he should be deterred from doing that which was reasonable and just to all classes of the country. It was because he had attempted to do justice to all classes and to all interests—to the revenue, to the producer, and to the consumer—that he had laid himself open to so many complaints. When they discussed the question of protection, he would repeat what he had before stated, that in the present state of the country, and with a due attention to the various interests which had grown up under existing laws, it was not for the benefit of any party either to abrogate all protection, or on the other hand to press for extravagant protection. He had selected the sum mentioned in both resolutions as the amount of differential duty because he thought that the Colonies of the country were fairly entitled to that amount of protection against free-labour sugar, and because he thought that, though the Bill was only for an annual duty, that amount could be permanently maintained. He thought it better for that body to give to them the present scale of protection with a fair prospect of permanence, than, by granting them a larger amount of protection now, to make further reductions hereafter. It was personally painful to him to be placed in opposition to the feelings and wishes of those with which he had a common interest, and towards many of whom he entertained great personal regard. He could assure them that he acted upon the firm impression that the measure was more for their ultimate interest than the resolution proposed by themselves—that it would be most adverse to their interests to throw any difficulties in the way of an increase of general consumption —that it would be the worst thing that could happen to them, if the price of sugar were raised to the price which it bore at an antecedent period — and that whatever claim they had to indulgence — however much they had suffered from the sudden abolition of apprenticeship—yet that the feeling of the country was so strong that individual interests must give way to public good, that he did not think it safe for individual interest to risk the failure of the present Bill or to hold out

for a protection which was not consonant with the general wishes or the general welfare. He still believed that the measure was a sound one—that it would not prove adverse to the permanent interests of the West Indian body—and, being for a limited period, he trusted that it would receive the approval of the House.

Mr. *Labouchere* said, the speech which had just been made by the right hon. the Chancellor of the Exchequer, confirmed the impression which he had expressed when the right hon. Gentleman made his financial statement, namely, that Government wished the House to understand that next year it would be their duty to submit to the consideration of Parliament the whole of the financial and commercial condition of the country, and to call upon them to consider whether it was or was not expedient to continue the Income Tax, and, if so, what qualification of our commercial system it might be necessary at the same time to introduce. It would be desirable that, in proposing any alteration in the Sugar Duties, Government should at the same time submit the other question, whether or not the Income Tax should be continued for a short time longer, and also what other qualifications of our commercial policy should be made. But by taking the Sugar Duties as an isolated question, and leaving the Income Tax uncertain as to what course might be taken in regard to it in the next Session, the House and the country were placed under great disadvantages in coming to the discussion of the present measure. Though he was not an advocate for abandoning the Sugar Duties as a great and important source of revenue in the present circumstances of the country, he thought it would have been more desirable for the sake of the consumer, of the colonists, of our foreign trade, and of the revenue itself, to ascertain whether it might not be a safe and successful experiment, even in the matter of revenue, to reduce the duty both upon foreign and colonial sugar. If it could be done consistently with the public credit, that was the kind of reduction which would, he thought, most recommend itself to both sides of the House; and, as far as the Colonies were concerned, he believed it would be the means of giving to them the most useful and permanent assistance, by extending the consumption of sugar in this country, while it would be of very considerable advantage in stimulating foreign trade; and in a few years he doubted not but that it would be found sound and successful, even in regard to the revenue. But that was a question which they could not, he admitted, advantageously consider apart from the other question to which he had referred, which the right hon. Gentleman had, as he thought, improperly deferred till the next Session. The House, however, could not now help themselves; they were now in Committee on the Sugar Duties Bill, and must discuss the various points as they arose, in the best way they could. For himself, he should support the Motion of the hon. Member for Bristol. When that hon. Gentleman first gave notice of his Motion, and proposed to reduce the duty on colonial sugar, but not on foreign sugar, he said at once he could not support it. Such a proposition would have been, no doubt, a measure of relief to the planters, but it would not have benefitted the consumers of this country. Consequently he could not support any Motion such as the hon. Gentleman had in the first instance given notice of; but he had stated at the same time his regret that the Government did not propose to reduce the duty on colonial as well as foreign sugar, and that he considered the colonists had a right to expect that if it could be done consistently with revenue considerations, as he thought it could, some reduction should be made in the duty on colonial sugar; therefore, finding the proposition of the hon. Gentleman for that purpose in a tangible shape before the Committee, he felt bound to support it. He did not, however, mean to say, that this was precisely the scheme he should have proposed; but that was not the question. The question was between the Government plan and that of the hon. Member for Bristol, and he preferred the latter. It was an important point in the consideration of the subject, how the proposition of the hon. Member would affect the interests of the British consumer; and he must say he was astonished when he heard the right hon. the Chancellor of the Exchequer assert that, as compared with the Government plan, the proposal of the hon. Member for Bristol would be injurious to the British consumer. As to the permanence of the plan, he would ask, was the Bill of the Government a Sugar Duty Bill for one year or not? If Government intended to re-open the question next year, and make the present a mere temporary scheme to bolster up the revenue till it should be re-considered with other questions of commercial policy and

the Income Tax, never was there a course proposed by a Government more unwise or more unjust to the mercantile and commercial interests of the country. The language which the Government had held, and the course they had adopted, had paralyzed all trade, no man believing that their present scheme would continue in operation for more than a year. But the Government seemed to think, that if they could by any means manage to keep up the revenue during the present year, they would next year come forward with a full Exchequer, and then ask the House to decide what changes should be made, and whether these, with other existing duties, should continue or not. If this were the intention of the Government, they had, he thought, trifled with some of the most important interests of the country. He thought it was impossible for any man to hold the argument, that as regarded the interest of the British consumer, the proposal of the hon. Member for Bristol was worse than that of the Government. In his opinion it was the better of the two, and he would state the reasons why he thought so. It was believed by some hon. Gentlemen that the description of sugar—free-labour sugar—that would be derived from Java, Siam, and Manilla, would be sugar in a higher state of refinement than would come in from other places, and subject to the 34*s.* duty, and therefore the proposal would be not very advantageous to the British consumer. He, on the contrary, considered that the principal part of the sugar would be brown or Muscovado, which would come in at the 30*s.* duty, and that the public would have the advantage. He agreed in the opinion which, he believed, obtained generally in the mercantile world, that to attempt to exclude foreign slave sugar by means of certificates of origin was absurd, and that consequently the distinction drawn in the new rate of duties between slave-labour sugar and free-labour sugar, would, in effect, be a perfect illusion. He had no doubt whatever that the sugar of Cuba, the Brazils, and other slave-labour states, would find its way here under the Bill of the right hon. Gentleman. While upon this subject, he must observe, with respect to the principle of the Bill, that it was to exclude slave-labour sugar, and subject the country to all the evils which must result to any country being on bad terms with other states, and quarrelling with its best customers, and this for the sake of discouraging slave labour, and encouraging slave labour produce. That was the object of the Bill, but it would not be attained; and, what was remarkable, no Minister had yet risen to say he believed it would be attained. The right hon. the President of the Board of Trade had said, that if slave labour produce should come in under the Bill our consciences will be free. [Mr. *Gladstone*: I said nothing of the kind.] He understood the right hon. Gentleman to express himself to that effect in answer to his noble Friend the Member for London. But whether or not that slave-labour sugar would come in almost to as great an extent as if it were openly and at once admitted by the measure, he had but very little doubt, and he believed that was the opinion generally entertained by persons competent to form an opinion upon the subject. What was the opinion of the Havannah planters and merchants? He would read an extract from a *Price Current* of May 9th, published in the Havannah, showing the opinion there entertained after the Government measure had been announced. [Mr. *Gladstone*: The Government measure could not have been known at the Havannah on the 9th of May.] No; but it was pretty well understood there what the nature of the plan would be after the debate on the Brazilian Treaty. He would read from the *Price Current* to which he had before alluded what a Brazilian merchant said in writing to his correspondent, as to the effect of the Bill on Cuba sugar:—

"During the past month purchases of sugar have been made at higher prices, for the European markets, in consequence of the London advices of 16th March, when the hope was confidently expressed of an alteration in the English duties, calculated (although indirectly) to improve the position of Havannah sugars in Europe."

He had in his hand a statement of the average prices in bond of the various descriptions of sugar, founded upon the current prices of the months of May, June, July, and August, in the last five years, and he found that, in those months of the last year, the average price of Java, Manilla, and Siam sugar of all kinds, that was, brown Muscovado and white clayed, was 19*s.* a cwt. The price of Brazilian sugar, during the same months, was—white, 23*s.*; yellow, 17*s.* 6*d.*; and the price of Havannah sugar, was—white, 28*s.*; yellow, 19*s.* Now, the consequence he deduced from those figures was, that

the greater part of the sugar, the produce of Java, Manilla, and Siam, in bond, at that time, must have more closely resembled the low price brown sugar than the white clayed sugar—and this was the reason why he thought, if the proposition of the hon. Member for Bristol were adopted, we should have a large supply of the brown Muscovado sugar at the lower, or 30*s.* duty, instead of white clayed sugar at 34*s.*, and that the consumer would have the benefit of the difference. So much as regarded the interests of the consumer. He was not, indeed, inclined to consider the question solely upon these grounds. The interests of the British planter had also a claim for consideration. He had never, he believed, been inclined to push that claim to undue lengths, but at the same time he would never refuse to listen to it. He was glad, however, upon this occasion that he could support a plan which he believed reconciled the interests of the colonists with those of the home consumer. It was, he repeated, an additional reason why he should support the amendment, that he could give his vote consistently with the interests of either party. Then with respect to the question of revenue. The right hon. Gentleman the Chancellor of the Exchequer had not even affected to feel the slightest alarm as to the consequence of the proposed measure upon the revenue, and he did not anticipate any. But the circumstances under which Government had obliged them to discuss the question was a reason why the House should not venture upon any large reduction of duties, or any very important changes. No one, however, could say that the Motion proposed would be one dangerous to the revenue. He trusted that upon the next Clause they would have some more satisfactory explanation from Government than they had yet received relating to the certificates as to the free growth of foreign sugar, and the reasons which induced Government to believe that any credit could be attached to these certificates. For his own part, he believed that such a system as that proposed to be introduced by means of them had never entered into the heads of any Government except those of the present administration. The more he considered the certificate system, the more he was astonished at its being gravely propounded to the House. Only think of the circumstances in which it would place a Consul in a foreign slave-growing state. At New Orleans, for example, one gentleman would swear that the sugar was free grown upon his estate, another that he was the shipper. There would be no lack of affidavits upon any point, and the result would be, that the poor Consul would be placed in a most perplexing predicament. Then, take the case of a ship laden with New Orleans sugar arriving here. They might have every reason to believe that it was slave-grown, and accordingly they would refuse it admittance. What would be the consequence? The next day the American Minister would come down, demand that the sugar should be admitted, and insist that they should prove that it was not the produce of America, as the affidavits produced declared it to be. See what difficulties they were plunging themselves into. Such an impracticable scheme never was proposed. Why it was not consistent with their conduct towards their own Colonies. They admitted sugars from certain Presidencies in India, but they insisted upon certificates of origin, signed by their own officers in these Presidencies. He remembered, upon a former occasion, having had much difficulty in inducing the right hon. Gentleman the Chancellor of the Exchequer to accede to a change in the rum duties, because the certificates were to be signed, not by imperial officers of customs, but by officers in the service of the East India Company. But now the right hon. Gentleman was willing to leave this duty to foreign officials, checked only by the *visa* of our unfortunate consul. Again, they did not allow persons in India to send sugar into this country unless foreign sugar were excluded from their ports. This regulation prevented fraud—it prevented the fraudulent substitution of foreign sugar at these ports. But how completely was the principle upon which these precautions were taken thrown overboard by the present proposition! He thought that nothing could better show its hollowness and delusion. In voting for the amendment, he could only do so as comparing it with the scheme of Government. One vice was common to both—that of supposing that they could draw a distinction between free and slave labour sugar. This was what they could not effect, and what they ought not to attempt. Any effort of the sort was fraught with evil consequences. If, at any future stage of the Bill, it should be proposed that foreign sugar, whether grown in Cuba or Manilla, should be put upon the same footing, he would support that proposition; for although the House had

already negatived it, he did hope that hon. Gentlemen, who had attended to the declarations made to-night by the hon. Members representing the West India interest—to the effect that they had no belief in the power of Government to draw this distinction—that the great mercantile communities, which they, in many instances, represented, entertained the same opinion—he did hope that these hon. Gentlemen who had, on the late occasion on which it was discussed, supported Government upon the point, would hesitate before adopting the same course were that point again brought before the House. The evils, which the attempt to make the distinction in question would give rise to, were great and clear. It was not a light matter to insult and irritate great communities with which it was our interest to be on good terms politically and commercially. He called upon them to put the Sugar Duties upon the only permanent and rational footing on which they could rest—by fixing at once the amount of duty to be paid by colonial and foreign sugar, and giving up the absurd attempt to distinguish between slave and free grown produce. It was of the most vital importance to attempt a permanent settlement of the question. Depend upon it, it was more important that the matter should be put upon a secure and permanent footing, than that a shilling or two, more or less, should be added to or taken away from differential duties. Under bad systems of commercial legislation many nations, he believed, had flourished, but never under a system of constant tinkering and alteration. The results of the present measure would be such as it was impossible to anticipate. No one could tell what its operation would be. It would not depend upon the known movements of commerce, but upon the ingenuity which could be exhibited in eluding the regulations which they sought to set up. Such a measure could not be expected to be permanent. The right hon. Gentleman opposite said, that if the Brazils and Cuba were to consent to certain alterations in the slave trade, that the prohibition upon their produce would be removed. What was there of permanency in a measure accompanied by such declarations? He felt no hesitation in giving his vote in favour of the amendment of the hon. Gentleman, because it combined a reduction of duty both on foreign and colonial sugar, which must be of benefit to the consumer, with that encouragement to consumption, which was a fair relief to the West India proprietor.

Mr. *Godson* was glad that they had at last agreed that some permanent and lasting arrangement should be come to with respect to the matter under discussion, so that—the rates of duty being clearly and permanently fixed—every one would know whether or not he could prudently venture money in the trade. He could not approve of the proposition of the hon. Member for Bristol. It would not in the slightest degree assist the West-India planters. The reduction of 4*s.* per cwt. would find its way neither to the planter nor the general consumer, but into the pockets of the wholesale and retail grocers. It would thus benefit neither consumer nor raiser. But until a reduction, such as he expected next year, of 14*s.* or 15*s.* per cwt. in the duty on Colonial sugar should take place, so that they could bring in a new class of consumers, unless they were to have such a reduction as this, they could not increase the revenue, and at the same time diminish protection. Were the duty reduced to 14*s.* or 15*s.* then there would be a real benefit conferred both upon consumer and planter. The effect of the present proposition would be, were it carried, to introduce 4,000 or 5,000 tons at the end of the year. That would not lower prices to any great extent. In the spring of next year would come on the discussion on the Income Tax, and about that time they would know what differential duties were to be permanently imposed, so that the produce of next year would come in upon those duties. The question had been asked, why any difference should be made between foreign and colonial sugars? The answer seemed very plain. It was part of their own policy to give a profit to their own countrymen rather than to foreigners. Then what was the difference in cost of the foreign and native grown sugar? Foreign sugar was grown at a cost of 12*s.* per cwt.; add to this 5*s.* for expenses in bringing it here, and thus 17*s.* became the average value of foreign sugars. Now, they could not grow West-India sugar under 30*s.* per cwt.; 28*s.* was the lowest estimate. And why was this? An estate in Jamaica was cultivated at the same proportionate expense as an estate in England. All the agricultural implements used were brought from England. The wages paid to the labourers and artizans were upon the same scale as those paid in England. They paid in addition all the taxes which were paid

in this country. They paid their highway-rate, their poor-rate, and for the support of their Church Establishment. Indeed, in Jamaica, they paid not only the Clergymen of the Established Church, but the Roman Catholic priests. They contributed also towards the Army and the Government of the Island. Paying, then, similar charges to those exacted in this country and being liable to similar expenses, he thought that they had a right to preference before foreigners in the disposal of their produce. And besides, the amount realized by that produce was subjected to English taxes: so that not only was the produce taxed in one country, but the means of production in the other. Under these circumstances, he did think that they had a right to a favourable differential duty. What that duty should be he was not prepared exactly to state—whether it should be 10*s.*, 12*s.*, or 15*s.* But a distinction should always be made between Muscovado and clayed sugars, owing to the different value of the two articles arising from the different process employed in their production, and the distinction, although repudiated by a Committee of the House, was sanctioned by Mr. M'Gregor. The present discussion he took to be nothing more than a rehearsal of what would happen next year. He expected a much larger reduction than the present to be then proposed. Were he to vote for the 20*s.* duty now, he should be precluded from voting for a further reduction next year. His vote, were he to give it, would be taken as a pledge; and he repeated that he did not look at this discussion in any other light than as a rehearsal of that of next year. But in dealing with this question they should not forget the sacrifices which they had made for the abolition of slavery in their Colonies, and that they were also legislating between their own people and foreigners. The differential duty to be imposed should be the amount of difference of expense incurred in raising foreign and colonial sugars. The plan of the hon. Gentleman, the Member for Bristol, he repeated, he could not agree to. It would benefit no interest—neither revenue, consumer, nor producer, and he should therefore vote against it.

Mr. *Bernal* said, his hon. and learned Friend had stated, that they must have a final and general settlement of this question in the course of the next Session, and with that happy prospect before him, his hon. and learned Friend was induced not to take part with his hon. Friend the Member for Bristol; but he was surprised that his hon. and learned Friend had not addressed a little consideration and reflection to this point—whether with the chance of an eventual and permanent settlement, it was wise on the part of the Government to introduce the present measure? If his hon. and learned Friend was such a friend to a general settlement, and having one permanent and solid basis on which all fiscal and political considerations connected with this question ought to rest, how came his hon. and learned Friend to be so enamoured of the present temporary scheme? How did he justify the Government in introducing a tide of uncertainty and confusion amongst the great mercantile operations and concerns of the country upon this important question? He took the argument of his hon. and learned Friend to be quite conclusive. He did not remember having ever voted upon this question, nor would he have voted now, had not the Motion of his hon. Friend proposed to reduce the duty for the benefit of the public at large. When his hon. and learned Friend said he expected a larger protection than 10*s.*, he would tell him to dismiss that from his mind. From what class of statesmen did he expect this happy consequence to follow? Could his hon. and learned Friend, with this prospect of happiness before him, tell him whence it was to emanate? From what new class of politicians—from Old England or Young England—from Old West Indians, or Young West Indians? from what part of the world or of that House was it to come? They must look their difficulties in the face—it was idle to pretend that they would get a larger protection than 10*s.* from any Administration. But when his hon. and learned Friend spoke of the danger they were incurring by voting for this Motion, as if they were thereby bound to the 20*s.*, he saw no pledge in the matter, nor did he consider that he should be bound hereafter by having stated that he could not expect a larger protection than 10*s.*, and he therefore should vote for his hon. Friend's Motion. A great deal had been hinted that evening, that there was some covert danger, some concealed conspiracy as to the 34*s.*, as applicable to sugar from Manilla, Java, and other free-labour countries. He knew nothing of any such conspiracy—he was party to none. All he had endeavoured to do was to get all the

information he could, and he believed there was no conspiracy or shadow of one. Unfortunately, this subject was little known, but it had been very ably explained in a letter from Mr. Gladstone, which had appeared in that morning's papers. Now, with respect to what was called clayed sugar, he would in a few words explain what it meant. The sugar, after boiling, was put into earthen vessels, and a quantity of humid clay being placed upon the top, the water gradually dropped through, and the impurities of the saccharine matter were drawn off. The upper part of the sugar was then called white clayed sugar, the middle part yellow clayed sugar, and the bottom part brown clayed sugar. The consequence of the process was this: that the top, or the white clayed sugar, appeared to a certain degree to be refined, and when packed and sent over to this country, cost less in the carriage than the other kinds. Now, it was calculated in Mr. Gladstone's letter, that sugar of this kind, called white clayed sugar, would give out of every 112lb. about 80lb. of refined sugar on the average, whilst the same quantity of Muscovado would give only 68lb., making a difference of 12lb. That 12lb. of refuse would fetch only 3*d.* or 3½*d.* a-pound, making altogether 3*s.* 6*d.*; whilst the 12lb. of white clayed sugar would fetch 8½*d.* a-pound, or in all 12*s.* 6*d.*; so that the difference between the two out of 112lb. would be 9*s.*, and that would immediately reduce the protective duty 5*s.* Now, they were as well aware of those facts in Havannah, as they were in that House. It had surprised him very much to hear from the hon. Member for Dumfries, that the difference of duties of which he had spoken had been removed at the intercession of the East-India planters, and he, for one, upon the strength of his impression, would venture to state, that such had not been the case. Leaving, however, the consideration of those points, he would point out the technical difficulties in its operation which the present measure would be exposed to, and would assert, that if the Bill were to be sent forth in its present state, the consequence would be, that most grievous injury would ensue not only to East, but West-Indian planters, from the practical deficiencies in its details and working. He would also point to the danger of the Siam sugar being admitted into the market as crushed lumps, a danger against which the Bill did not provide. He did not consider himself bound by his vote on this question, save in so much as it resulted from his conviction, that the principle of protection would be limited to 10*s.*, and that no further amount could be expected for some time to come. In conclusion, he called the attention of the House to the great wrongs under which the interests he represented were labouring. He ventured to assure them, that he was by no means prepared to submit to the great injustice done to the West-Indian proprietary in excluding rum from the markets of Ireland and Scotland, by means of the present most ridiculous differential duty. Nor would he be at all contented with other branches of the same system, which in effect excluded molasses, another product of the West-India Colonies, from the large markets which would otherwise be opened for that article in the distilleries and breweries of those countries.

Mr. *Bouverie* said, that with regard to the existence of a conspiracy among the West-Indian planters, in which the hon. Member who last sat down had so strenuously denied any participation, he thought there was very strong evidence indeed. The proofs of that conspiracy were undeniable, for the parties implicated had held their meetings, and published statements and letters in the newspapers supporting their views. Whether that were really the case or not, he could not agree with the arguments they had adduced in support of their proposition; and he would vote with the Government on the present question, because he thought that it was his duty in considering it to look at the nature of the answers which the contending parties could give to this inquiry,—"How can we raise money with the greatest facility for purposes of state, and with the least burden upon the people?" He looked upon all duties with a view to this question, and he thought it was most expedient that the sum raised by these means should not go into the pockets of any class, but should proceed at once into the coffers of the State. In his opinion the differential duties of 1841 gave a monopoly to the West-Indian planters, and bestowed upon them a bonus equal to the whole amount of the difference of duty between that upon foreign and West-India sugar, and the adoption of this proposed differential duty of 4*s.* 2½*d.* would take away about 818,000*l.*, from State purposes, and give it,

by way of bonus, to those persons for whose sake he could not consider that they were called upon to give the preference to the smaller sum over the proposed amount of 10*s* 6*d*. Indeed, he did not, he must confess, see that the House was at all called upon to consider the peculiar interests of those gentlemen, under the circumstances which brought them before the House. If they were in a state of high felicity, if "all went merry as a marriage bell" with them, he could understand the complaints they might make if any attempt were made to infringe upon their privileges; but such was not the case. Under a system of protection their murmurs were loud and universal, and it would not do, in the present state of things, for those gentlemen to get up, and trusting to the unfortunately short memories of hon. Members, to tell the House that it was the abolition of slavery which caused all their misfortunes. That statement would not avail them, for it was to be recollected that long before the passing of the measure of emancipation, and at a time when their monopoly was, or ought to have been, much more profitable, those same gentlemen had made the very same complaints of destitution and distress. As all their various forms of protection had failed, he would most heartily advise them to try what free trade could do for them. That principle had answered in the other things, and he could not see why that which had been applied so successfully to silk could not be equally beneficial to sugar. According to their own statements, the planters could not be worse off than they were at present, and he would most strongly recommend them to join with him in equalizing the duties.

Mr. *F. Baring* said, that he was not at all surprised that the Chancellor of the Exchequer in considering the present question should have been disposed to confine his argument to the proposition before the House. When one recollected the arguments used in opposing his measure in 1841, and saw how slightly they had been passed over by hon. Members on the present occasion, he was not much inclined to wonder that the right hon. Gentleman should feel a little uncomfortable. At that period he was assured that there was plenty of produce in the colonial markets, that no necessity existed for alteration, that there were ample supplies of sugar in the East and West Indies; and that he might place the most perfect reliance on the estimates before the House. He had, however, ventured to suggest that those hopes might be fallacious, and that the estimates might be exaggerated, but the right hon. Gentleman would not listen to such suggestions, and had answered them by arguments which the right hon. Gentleman now found were used against himself. He confessed that he felt much surprised when he found how very lightly the Chancellor of the Exchequer had dealt with the very arguments the right hon. Gentleman himself had urged when seated upon the Opposition side of the House, and had adopted those views, for entertaining which he had been taunted night after night. The right hon. Gentleman now very quietly told the House that the estimates might be mistaken, or erroneous, and that he, indeed had no reliance upon them. That was one of the suggestions which he (Mr. F. Baring) had once ventured to make; another argument urged against his proposition on the same occasion was, "Oh, there is a great experiment going on in the West Indies, and how then can you reconcile it to your feelings to use slave-grown sugar and endanger our experiment?" Why, what were they doing now? What would the effect of this measure be upon their "experiment" and the introduction of slave-grown sugar? It could be clearly shown. The price of West-India sugar here would be regulated by the supply of that produced by free-labour. The price of free-labour grown sugar would depend upon the price in the markets of Europe; and that would most certainly be regulated by the price of the slave-grown commodity. In other respects, the right hon. Gentleman's measure did not differ so greatly from that he had introduced in 1841, except that the right hon. Gentleman gave 10*s*., and a shadow of something to the planter, whilst by his plan he would have given him 12*s*.; and that substance of 2*s*. was, he thought something better than the right hon. Gentleman's shadow. The last grand argument of the hon. Gentleman opposite had been to exclaim, "Oh, you are encouraging slavery." What was the right hon. Gentleman doing now? What other effect would this measure have than to encourage the sale of slave-grown sugar—not directly, he admitted, but still as surely as if they were to take 20,000 tons of such sugar at once from the market? Now, there had been no assertion to the

contrary, nor had they even attempted to deny the fact. The House had heard the speeches of the Chancellor of the Exchequer and other advocates of the measure, and could judge as to the truth of this statement; and yet the noble Lord opposite (Lord Sandon) had been one of the band who had turned him (Mr. Baring) out of office upon that very point. Without dwelling further on that point, he could not but advert to one striking feature in the present question, and that was the unfortunate, the highly unfortunate course the Government had adopted, by announcing that next year they would reconsider the subject. Nothing could in his opinion be more impolitic or unwise, for he considered that the really honest policy in all such cases was to make no previous announcement, so that there should be no time given to disturb the markets. and that the trading community should not be subjected to the disastrous effects of labouring for a long time under expectations of—they knew not what. Indeed, he had the authority of the Chancellor of the Exchequer for that statement, as the right hon. Gentleman had emphatically said, that nothing could be more unfortunate than to disturb the markets by such announcements. The House would most probably remember that early in the Session one of the Members for the City of London had ventured to ask the Government, "Do you intend to make any alterations in the Sugar Duties this year?" Did the House recollect the answer that hon. Member got? He was told, "The only possible excuse there is for your asking the question is, that you are the youngest Member of the House." That was the answer, and he remembered well how extremely delighted the majority of the House was at having a leader at once so wise and so witty. Well, hon. Gentlemen opposite had altered their minds since then, and they now told the House that they were prepared to consider this question, and to bestow further consideration on it next year; that was, they would leave the interests of the Colonies distracted by expectation and suspense for one whole year. Could anything, he asked, be more unwise, more inconsiderate, than such a course as that? He knew he would not receive the thanks of hon. Members opposite for saying that if he conceived any additional differential duty were about being proposed by the measure he would oppose it, but he did not conceive that such was the case; on the contrary, he believed it would reduce the price of sugar to the consumer, and that it would give him a legitimate advantage which he hoped the House would bestow upon him. The Chancellor of the Exchequer had argued that the Government measure would be more advantageous to the consumer than that proposed. He had examined into that particular class of sugar, and he could tell them that there was but a very small quantity of free-labour sugar in this country; and he could add, that he feared, under the new regulations, an advantage would be given to Cuba sugar —he said "feared," because if the thing was to be done at all he would wish to see it done frankly and openly, He might, perhaps, be permitted to add, as to clayed sugar, that he had himself formerly proposed its admission at a general duty of 36*s*., which would leave a protective duty of 12*s*., and at the time his proposal was made to the House many remonstrances were submitted to him against his plan. The result exposed him—perhaps not unfairly—to many attacks; but so convinced was he by those remonstrances of the propriety of not putting all sugar under the same duty that, although he had already announced his plan to the House, he did not hesitate to alter it afterwards on going into the question in detail. But it was not on his own opinion alone that he relied; he had the opinion of the late Mr. Hume, which was most decidedly in favour of having three scales of duties on sugar; but the right hon. Gentleman said that he had consulted with the Custom-house officers, and that they told him any such distinction would prove impossible in practice. He had a great respect for the Chancellor of the Exchequer, but he had not any great respect for impossibilities, and he had no doubt if the Act were once passed containing those differential scales, it would be found that what had been impossible to-day would become quite possible to-morrow. But had they no experience of the operation of such duties already? He held in his hand an extract from the present Tariff of the Americans, which, as it was rather long, he would not trouble the House by reading. In it he found the brown clayed and the Muscovado sugar in one class, and the white clayed sugar in a second class of duties; and he had been informed, though he was not quite sure of

the fact, that in two other countries, Denmark and Holland, the white clayed sugar was charged with a separate duty from other qualities. Would any one tell him that what was done by the Americans and by the Dutch, who were our teachers in commerce, was an impossible plan, and could not be introduced into this country? He was, therefore, clearly of opinion that the introduction of three scales of duty on sugars would be a considerable improvement in the law. He should confess that he did not attach as much value as the Chancellor of the Exchequer did to the assertions of Custom-house officers. They might have good-humouredly stated the thing to be an impossibility, while the Chancellor of the Exchequer was happy to believe what they told him to be the fact. He would touch upon only one point more with regard to the revenue. He was bound to say that the Chancellor of the Exchequer seemed to behave with extreme fairness with regard to the revenue, for he did not seem to expect that at the beginning of next year the revenue would be a bit worse off under the new duties than it had been at the beginning of the present year. The right hon. Gentleman seemed to think that the whole of the operation would not be felt in the present year, and he thought that was very possible, and that though there would be some small loss to the revenue at the end of this year, it would recover itself altogether in another year. He would repeat what he before said when the right hon. Gentleman opened his budget, that if the right hon. Gentleman was satisfied, from a consideration of the finances of the country, that the Income Tax should be continued for the time originally proposed—namely, five years, though it had been taken for a period of but three years—he ought to have so told the House, and have then placed the Sugar Duties on a clear, a distinct, a permanent, and useful footing. Now, what was the sum that in strict figures they would risk by the proposed alteration in these duties? By the proposed reduction of the duty on colonial sugar, there would be a reduction of about 800,000*l.* from the present Sugar Duties, while in return for the falling-off in the colonial supply they expected under the new scale to get 20,000 tons of free-labour sugar from other countries. The duty on that would produce in all a revenue of 600,000*l.*, so that if there was to be no additional consumption whatever, the risk would amount to no more than 200,000*l.*, and he should consider such a risk one that might be very fairly run. It was well known that Mr. Huskisson had not been a speculator. In fact, there was no man who was more careful in having a proper relation betwen the revenues of the country and the expenditure. But what was his proposal in 1829? In that year the duties upon colonial sugar were:—on colonial sugar, 27*s.*; on Indian sugar, 37*s.*; and on foreign sugar 66*s.* per cwt. Mr. Charles Grant moved that a reduction should take place on these duties to 20*s.*, 25*s.*, and 28*s.* respectively. That was a reduction which was not likely to be brought up by the introduction of any considerable amount of foreign sugars, for it was clear from the state of the market, that such was not probable to take place at that time; and yet, what was Mr. Huskisson's declaration? When he was met by the argument of the risk to which it would subject the revenue, Mr. Huskisson said he had no doubt but that the revenue would be maintained, that the consumption would increase, and that there was no danger whatever of the revenue losing by the amount calculated on. He had himself made a reduction in the duty from 27*s.* to 24*s.*, which was exactly about the reduction now proposed. By that reduction the loss ought to have been 542,000*l.*, but in reality the loss did not amount to half that sum. Besides, that reduction had been made under most unfavourable circumstances in comparison with the present period; for, if they now had a large and increased consumption, the additional supply would consist of foreign sugar paying 30*s.* duty instead of British colonial sugar paying but 20*s.* duty. He should again say, that if he had the slightest conception that the proposal of the hon. Member would, under the colour of reduction of duty, have practically the effect of introducing an additional protection, he would be the first to stand up against it; but being satisfied that the benefit which the Motion of the hon. Gentleman was intended to confer, would be felt equally by the consumer and by the West India producer, he should give the Motion his decided support.

Mr. *E. Gladstone* said, that the right hon. Gentleman who had just sat down commenced his speech by stating that he was not surprised that the Chancellor of

the Exchequer had expressed a desire to confine the discussion to the matter immediately before the House. When he considered how much of the speech of the right hon. Gentleman who had just addressed the House, and of that of the right hon. Gentleman the Member for Taunton, who preceded him, referred to matters not before that House—matters which had been discussed in former stages of this Bill, and which might be again discussed in other clauses of the Bill in Committee—and when he considered the arguments by which the right hon. Gentleman supported the vote which he was about to give he was not surprised that, instead of confining the attention of the Committee to the subject before them, he should have sought to distract their attention, and direct it to extraneous matters. He, however, acting upon the principle of his right hon. Friend the Chancellor of the Exchequer, would resist the temptation to go into a discussion on the subject of frauds, prices at New Orleans, and a variety of other matters; and he would endeavour strictly to confine himself to the question immediately before the House. He would proceed, therefore, to enter into the nature of the plan proposed by his hon. Friend the Member for Bristol. The great charge against the Government was, why they disturbed the public mind and left the Colonies to uncertain changes of duty, instead of closing the question at once? The Government had three courses open to them to pursue: one of them was to have attempted in the present year to complete the final settlement of the Sugar Duties; but he would maintain that it was impossible for them to have adopted that course without either foreclosing the future settlement of the Income Tax, or else asking Parliament to continue in this Session a tax which was not to expire until the next Session. He granted that if, as the right hon. Member for Taunton was of opinion, a very small reduction in British plantation was sufficient to settle the question—if that right hon. Gentleman's ideas, expressed as they had been with great ability and feeling were correct, then that final settlement might have been made: but he should confess that his opinions on the subject were very different. There were many matters that might form part of a permanent settlement of the question, which he would admit could then be considered, but there were these four points which he thought stood in the way of any final settlement at present:—Firstly, that there ought to be a great reduction in the differential duties; secondly, that there ought to be a reduction in the revenue from British plantation sugar; thirdly, that there should be a transfer of the Sugar Duties question from being an annual Bill to be a part of the permanent revenue of the country. He would not say with the hon. Member for Kidderminster, that that transfer should be for a given number of years or some definite period, but that it should be adopted permanently. The fourth and last point was, whether the principle of classification into three heads should be introduced instead of the two classes of British colonial sugar and foreign sugar. Now, he was prepared to argue, that those matters could not possibly be disposed of in the present year. He should state that he had then adopted an assumption which was founded on the vote to which the House had already come on the question, namely, as to the necessity of the proposed duties not coming into operation until the month of November; for he thought it followed, that the conclusion to which that decision led was, that no reduction should take place until the foreign sugar came into competition in the market, since it was clear, that a reduction at an earlier period would be a clear bonus to the producers and holders of British sugar, and would be attended with no adequate benefit to the consumer. Looking at the second alternative, he would ask, could the Government have ventured to propose to Parliament the revival of the Sugar Duties as they stood at pretent? He did not think, that in justice to the consumers in these countries, they could; and if they had attempted it, he believed they would have been taking a very short-sighted view of the interests of the West-India producers also. He would grant that they had no reason to expect a deficiency of supply for the present year, as measured with the supply of former years; but he would ask was the demand now the same as it was formerly? Had they not, on the contrary, a great change in the state of the country in the present year? It was known to those whose duty it was to look from week to week to the state of the markets that the demand was not spread over the whole of last year, but only over one third of the year, and with

the increasing trade and commerce of the country, there was no doubt but that that demand would continue to advance. What was the indication given by the market? Why, that in four months of the present year, during which the question of the Sugar Duties remained in uncertainty prior to the declaration of the Chancellor of the Exchequer, there was, comparing those four months with the corresponding four months of 1843, a rise of 3*s.* 4*d.* in the price of sugar in the present year; and for five months in the present year that were passed, the quantity of sugar brought into the market was 9,000 tons less than the supply for the corresponding five months of last year, while the country was actually in a more flourishing and prosperous state. He was glad to observe that since the announcement of his right hon. Friend there had been an increase in the supply from the West Indies. The weather for the last six weeks since the announcement had been made, had certainly been more favourable to the arrival of ships than during the preceding period, and that might, perhaps, be one of the reasons why the improvement to which he alluded had taken place. But with respect to what had been stated about 20,000 tons of East India sugar coming into the market, he should altogether dispute the soundness of such estimates. If they were applied to crops to come next year, he hoped they would be realized; but the House had at present to look to the supply of the United Kingdom for the present year, and he would maintain that they had no right to expect any such supply for the immediate wants of the country. He could not help here mentioning the opinion of a most intelligent and respectable merchant, who had come to him on a deputation, he alluded to Mr. Ripley of Liverpool. That gentleman stated to him his admiration of the plan proposed by the Government, and said, that it would effect a reduction of 1½*d.* in the pound on sugar—that is, a halfpenny in the pound in the price at which the article is bought at the present moment, and a penny more in the rise which, if the present system had continued, would no doubt have taken place before the end of the year, but which, by the proposed plan would be prevented. He was justified, therefore, in saying, that Her Majesty's Ministers would not have met the expectations of the people if they had ventured to propose a renewal for the present year of the existing Sugar Duties. There was one other course which might have been pursued, and that was to introduce a measure which he should admit was in certain respects—and in certain respects alone—open to them to have taken into consideration. [Before referring to that point, however, he would beg the Committee to recollect this—that in the very last *Gazette* average which had been published of the London market, it appeared that for the last week the price of sugar had advanced some pence; and he put it to the House whether even that was not a clear proof that it was necessary for the Government to adopt some measures for moderating the prices of sugars on the consumers. But to come to the consideration of the charge made against the Government that the measure which they proposed was calculated to lead to an unsettlement of that great question, while it afforded no adequate relief to the public. He should say in reply, that one of their great objects in adopting the course they had taken was to check the increasing advance in the market for the benefit of the consumer in the first place, and secondly for the benefit of the producer: for, he would ask the West India proprietors who listened to him, whether, if the present rate of duties had been continued for another year, and if prices had continued to advance, as there was no doubt they would have advanced, would the Parliament be disposed to deal with their interests in the beginning of the Session of 1845 as calmly and considerately as they will now be disposed to view them? The right hon. Gentleman the Member for Portsmouth complained of their having refused to state what their intentions with respect to the Sugar Duties were three months before they brought their plan forward, while they admitted their intention of opening the question in twelve months hence; but it would be admitted that it was a very different thing to state in February or March that they intended to reduce the duty in May or June, and to state that they regarded the general question of Sugar Duties as a subject fit to be inquired into when the state of the finances of the country enabled them at a future period to approach it more safely. One motive which induced the Government to propose the present measure was a sense of the great evils attending the present state of un-

certainty with regard to this question. Did any degree of confidence exist on this subject, he would ask, before the announcement of the proposal of Government? Would they tell him that confidence had existed in the minds of the West-India proprietors, or of any persons, that they had more than twelve months' lease of the existing duties? These duties were renewed every twelve months; and to assure the West-India proprietor that he should have the continuance of his monopoly for a twelvemonth was giving him an assurance that was absolutely worthless; because, under such circumstances, he had no inducement to invest his capital for the promotion of immigration, or the improvement of cultivation. As long as they went on proposing the Sugar Duties from twelvemonth to twelvemonth, it was impossible that those gentlemen could take any important measure for increasing the supply. Now, he would ask the gentlemen connected with these interests in candour and fairness, whether there was any certainty with regard to this question before the Government proposed this measure? But what was the state of things now? Hon. Gentlemen said the matter would still be in a state of uncertainty. If they considered that the assurances of Parliament and the votes of Parliament were worthless they might say that the proposed measure conveyed no certainty as to the future. But with what statements did the Chancellor of the Exchequer announce his proposal? His right hon. Friend said that one of his objects was to check the tendency to increase of price; and that another was to make known to the producer of British sugar, in the first place, that it was intended by the Government and by Parliament, if it should adopt their plan to restrict the competition, he had to contend with the free-labour sugar of other countries and not to admit slave-sugar into that competition; and, secondly, to place clearly and fairly before him the amount of protection which he might expect to be maintained. He, therefore said, that with regard to the means afforded to the colonist for making calculations and adopting measures for the future, it was not just to state that the measure of the Government would leave the question in any uncertainty. On the contrary, the proposers of the measure had declared that the differential duty they had announced was, as nearly as they could state, the amount of protection they thought it just and fair on the whole—as between the people of England and the West-India planter—to maintain for the protection of colonial sugar. He considered that the proposal of the hon. Member for Bristol (Mr. P. Miles), if it were adopted, would have a most injurious effect upon the sugar trade in this country, and upon the revenue derived from the Sugar Duty during the year that would elapse before Parliament could again give its consideration to this subject. The right hon. Gentleman opposite had, as he (Mr. Gladstone) conceived, assumed most erroneously, that the injurious effect upon the revenue would be limited to the period between the 10th of November, and the time at which, during the next Session, Parliament would be enabled to return to the question, and, if they saw fit, to enact a new law. He contended that the most injurious operation of the measure proposed by the hon. Member for Bristol would occur between the present time and the 10th of November. The hon. Member now, in the month of June, proposed to enact a law declaring to the dealers in sugar throughout the country, and especially to the wholesale grocers, that they might obtain the advantage of 4*s.* per cwt. upon all sugar they might delay taking out of bond until after the 10th of November. Now, how did the right hon. Gentleman apply his principle of a word and a blow? The right hon. Gentleman had said that was the true policy of humanity; but he had afterwards shrunk from his avowal. He agreed with the right hon. gentleman that, when an important transit was effected from one commercial system to another it was advisable to make the change with rapidity; for, although its first effect might possibly be more severe they avoided that great evil which resulted from suspense and langour of demand. He thought that nothing could be more dangerous on the part of Parliament, with a view to revenue, than to give parties the inducement, even of such a premium as 4*s.* per cwt. to postpone the delivery of sugar for home consumption from this time till November. He said, therefore, that in estimating the loss to the revenues for the present year, they ought not merely to take into consideration the 200,000*l.* which it was assumed would be the amount of loss from November to the termination of the financial year—the 5th of April; but, they

must also consider the loss that would accrue from the inducement they would offer to parties to abstain from taking sugar out of bond until after the 10th of November. They had had some experience with reference to this question in the case of the Timber Duties. In that case, in a choice of difficulties the Government and Parliament were induced to postpone the operation of the change till the 10th of October. The consequence had been, that very little relief had been given to those whom it was their object to benefit, while very great difficulty and suffering was inflicted upon other classes, and considerable detriment ensued to the revenue of the country. He ventured to tell his hon. Friend (Mr. P. Miles) that if he carried a reduction of the duty, to take effect in five months hence, the benefit of the 4*s.* per cwt. would not be gained by the consumers. It had been complained that the Government had opened this question without closing it. He replied, that so far as it was in the power of the Government, they had closed this question, and they had held out to the colonists the expectation of that first measure of protection which they considered ought to be afforded to them. Hon. Gentlemen complained that the plan of the Government would not effect a permanent settlement of this question. He said it was permanent as far as the colonists were concerned. He would ask the hon. Member for Bristol if the reduction of a revenue duty on British plantation sugar which he had proposed was to be the permanent amount of reduction the colonists were to expect. Did he hear the hon. Member say, "no?" If the hon. Member for Bristol was so wily a tactician that he would not give an answer, he must assume that the hon. Gentleman would answer either no or yes. Either there was an intention of moving next year for a further reduction of duty, or there was not. He (Mr. Gladstone) would say, if you intend to ask for a further reduction of duty next year, what becomes of your argument of permanence? That was a great argument which had been urged against the proposition of the Government. He would ask the hon. Gentleman, "Do you anticipate a reduction of the duty below the amount you now propose?" If the hon. Gentleman did so, his objection to the proposal of the Government was groundless; but, on the other hand, if the hon. Gentleman did not anticipate a further reduction of duty next year, he was not acting justly either to the consumer or to the colonist by his proposal. If they were to benefit the consumer it must be by a considerable reduction of duty, and not by a reduction of 4*s.* per cwt. on British sugar. If they were to benefit the colonist it must be by compensating him for competition, by giving a lively stimulus to the demand. But the hon. Gentleman would not effect either of these objects by the proposed reduction of 4*s.* Whether the hon. Gentleman contemplated a further reduction or not, his proposal was open to just objections. A reference had been made by several hon. Members to a letter which had appeared in *The Times* newspaper that morning, written as he well knew, by a person of great experience in mercantile matters. The speakers against the plan of the Government had quoted the letter of Mr. Gladstone, as containing the opinion of a person well versed in West Indian affairs, who was opposed to the proposal of the Government. He might be allowed to state to the House what he believed had occurred between Mr. Gladstone and the hon. Member for Bristol. The hon Member had, with great kindness and courtesy, waited upon Mr. Gladstone to discuss the subject of his Motion, and Mr. Gladstone who was deeply interested in this question told the hon. Member, in his character of West India proprietor, that he disapproved of the Government plan, but that he would rather see the proposal of the Government adopted than that of the hon. Member. If there was any inaccuracy in that statement, he hoped the hon. Member for Bristol would correct it; though it was not probable that he should be misinformed. He believed there was but one opinion among the West India proprietors as to the preferable operation of the plan of the Government to that of his hon. Friend. The hon. Member for Weymouth (Mr. Bernal) had complained that the Chancellor of the Exchequer had very indistinctly described the classes of sugar, to which different duties should apply. The best explanation he could give was, that the terms used were the usual terms which had been employed for a length of time in the proposal of the annual Sugar Duties, and which were fully understood by those connected with the trade. He had endeavoured to understand the terms used in the Motion of his hon. Friend,

but, he had been unable to comprehend them, and he questioned whether his hon. Friend would be able to fix to them any very definite construction. He objected most strongly to the Motion of his hon. Friend, because it applied an entirely different principle of classification to foreign and to British sugar. He would put it to his hon. Friend, if he was not most unreasonable in applying this principle of distinction to foreign sugar, and not to sugar the produce of British possessions. The value of sugar produced in our Colonial possessions varied very considerably. He thought he was not far wrong when he said that the lowest price of British West-India sugar was from 27*s.* to 28*s.* per cwt., while the price of the better description was 40*s.* There was also a class of sugar introduced from the East Indies not possessing half the intrinsic value of the best West India sugar, but a much higher duty was imposed on this sugar than on that of a better description. How did his hon. Friend, in his settlement of this question, deal with that anomaly. Why he dealt with it by bestowing no relief whatever to the lower classes of British sugar, but by introducing a new distinction among the sugars of Java and Manilla, which already stood at a disadvantage in their competition with the best British sugars, as compared with those of an inferior quality. Nothing could be more unwise, especially in any measure tending to permanence, than to introduce the principle of classification in British and foreign sugars. He believed it was not true that any large portion in white clayed sugar was at present made at Java or Manilla. He thought it right to state to the House that according to the best information he could obtain the quantity of this sugar was small, consequently the effect in relieving the consumer would not be great. On this ground it appeared to him that the measure of Government was, in the choice of difficulties, the best measure that could have been proposed, and he considered it was a measure which ought to be adopted in preference to that of his hon. Friend.

Mr. *M. Gibson* wished to state the grounds upon which he would give his vote on this question. When he first saw the Motion of the hon. Member for Bristol, he understood its effect would be to impose a duty of 20*s.* upon British Colonial sugar, and 30*s.* upon foreign sugar, the produce of free labour. He thought that proposition would be more advantageous to the consumer, and more productive to the revenue, than that of the Government. But upon taking up the votes this morning he found a passage in the notice of the hon. Member for Bristol to this effect—"that white-clayed sugar, or sugar otherwise prepared, and equivalent to white-clayed sugar, should be subjected to a duty of 34*s.*" He (Mr. Gibson) thought something must be meant by this; and he went into the city to get the best information he could get on the subject. He applied to persons of great experience in the sugar trade; and one gentleman said to him, "Why, are you not awake to the trap that has been laid for the free-traders by the West India monopolist in introducing this distinction between white-clayed sugar and brown Muscovado sugar?" He was informed that, in point of fact, if the proposition of the hon. Member for Bristol became law, the duty of 34*s.* would practically be applied to three-fourths of all the free-labour foreign sugar that could be introduced into this country under the proposition of the Government. He must be excused, therefore, if he looked at this proposal with some suspicion. He believed that, if the proposal of the hon. Member for Bristol should be carried, the West India colonists would give them sugar at the price of Java and Siam Sugar, plus the 4*s.* duty; and upon that they would only have to pay 20*s.* to the Exchequer. But if the Government plan were adopted, they would have to pay 24*s.* to the Exchequer. He therefore believed that the proposal of the hon. Member for Bristol was intended, instead of benefitting the consumer, to transfer 4*s.* per cwt. into the pocket of the West India proprietor. He must confess he did not understand, if it was right to draw this distinction between sugars of different qualities the produce of foreign countries, why the same distinction should not be drawn between the different descriptions of sugar produced in the British Colonies. He understood that the reason why the hon. Member for Bristol could not make that proposition was owing to the circumstance that, by so doing, he would set the East and West India interest by the ears. The hon. Member would place a higher duty upon East than on West India sugar.

He thought that both the proposition of the Government and the proposition of the hon. Member for Bristol maintained the principle of protection. The proposition of the Government was, however, in his opinion, a greater advance towards free trade than the Motion of the hon. Member for Bristol. He should be sorry to stand in the way of a real reduction of duty to the consumer, but he must support the plan of the Government in preference to the Motion of the hon. Member.

Mr. *Hume* thought, that his hon. Friend who had just spoken had made a great mistake. His hon. Friend's statement was obscure; he (Mr. Hume) would endeavour to remove that obscurity and simplify the matter at issue. He thought that by the proposition of the hon. Member for Bristol both slave-grown and free-labour sugar would alike find their way into the market. What was the proposition of the hon. Member for Bristol? It was to reduce the duty upon sugar then paid by the consumer to the amount of 20 per cent., on an amount of 4,000,000 cwt. The question was who was to benefit by the present price of sugar? For the last fourteen years he found the following to be the consumption of sugar:—in 1820, the consumption amounted to 4,500,000 cwt.; in 1843, it was 4,360,000 cwt. During the fourteen years there had been no increase in the quantity of sugar consumed, notwithstanding the increase of the population. It was estimated that 20,000 tons additional of sugar would be admitted. He (Mr. Hume) looked to the interest of the consumers. They would benefit one half penny per lb. by the proposed reduction.

Mr. *Colquhoun* addressed the House amidst many symptoms of impatience. The hon. Member said, that the proposition of the Government was ill-timed. He had listened with great surprise to several of the statements of the right hon. Gentleman the President of the Board of Trade. The forms of the Committee precluded his hon. Friend from going beyond the Government in his proposition, and that was the reason he had taken 34*s*. If the Government wished to make a change next year, why not wait till next year? The argument of the right hon. Gentleman (Mr. Gladstone) on that point were wholly unsatisfactory, and indeed there was nothing in the arguments either of the right hon. President of the Board of Trade, or of the Chancellor of the Exchequer which could induce him to change his resolution to vote for the Motion of the hon. Member for Bristol.

Mr. *Escott* wished to know if the proposition of the hon. Member for Bristol was to be considered as a cure for the condition to which the West Indian interest was reduced?

Dr. *Bowring* felt a great disposition to support the hon. Member for Bristol, because in a reduction of duty he saw a prospect of a reduction of price. The answer of the hon. Gentleman to the question of his hon. Friend near him, would decide the votes of himself and several hon. Gentlemen near him.

Mr. *James* asked whether he had understood the right hon. Gentleman rightly to state that it was intended next year to apply the principle of an *ad valorem* duty to sugar. Let him apply the principle, and he should have his vote. He wished to know also, whether it were intended that Java and Manilla sugar should be imported in foreign vessels, or whether the importation should be confined to British vessels, as was the case with West India sugars?

Mr. *Gladstone* said, he need hardly answer that question. These sugars would be subject to the general provisions of the navigation laws. Under certain conditions, they would be allowed to come in foreign vessels.

Mr. *Hampden* was unwilling to obtrude himself on the attention of the House, and he was driven to make an effort from that instinct of self-preservation which impelled every man to struggle against a blow that threatened him with destruction. He entertained a strong conviction that protection was necessary for agriculture, and believing that he shared that opinion with several other Members then present, he ventured to expect that they would support the views which he entertained with regard to sugar. If Her Majesty's Government did not consider our Colonies worth preserving, then he could understand the policy which they pursued; but he could explain it upon no other imaginable hypothesis. Apprehensive then that they did not take sound views of our colonial policy, he should oppose the duties which they at present proposed. He should oppose them because he thought those duties cruel, unjust, and tyrannical. In deference to the Govern-

ment, he sometimes supported measures, the policy of which he very seriously doubted. He did that under a persuasion that the right hon. Baronet at the head of the Government, had means of information, which to him, as a private individual, were not accessible. Placed on the elevation where the first Minister of a great country necessarily stood, and with the grasp of mind which the present chief of the Ministry possessed, his means of coming to just conclusions would warrant any Member of that House in saying that it was sometimes both prudent and patriotic to forego his own opinions, and adopt those of the Government. He did not say that Members ought to pursue such a course on all occasions, where they conscientiously differed from the Government; for he, though a general supporter of Ministers, opposed them on the Poor Law and other questions affecting civil rights. He wished the Government to imitate the conduct of the noble Lord who brought forward the Bill for the emancipation of the slaves. He originally proposed a loan of fifteen millions, but it being represented that he had seriously underrated the value of the property of the slave owners, he had the manliness and courage to come before the House, and recommend that instead of a loan of fifteen millions, there should be an absolute grant of twenty millions. He would recommend the House to follow that example.

Lord *J. Russell* was not one of those who blamed the Government for having proposed some alteration in the Sugar Duties, nor did he think the reasons given as strong as those of 1841, though they were of a similar nature. But he did think that the manner in which they had brought their proposition forward, and the nature of the proposition itself, together with the prospect of another alteration next year, involved the question in great difficulties. The right hon. President of the Board of Trade, following the Chancellor of the Exchequer, had shown the objections there were to the proposition of the hon. Member for Bristol, and the evils that would follow from the reduction of the duty not taking place in November; and no doubt some of the difficulties he mentioned might take place, but that was the consequence of the nature of the proposition of the Government; and they brought forward a proposition similar in its nature to what one saw in other times, and proposed a reduction of the duty on foreign sugar, that might have taken place; and with regard to colonial and foreign sugar, there would not have been those difficulties which the right hon. Gentleman feared. But the House, following the direction and guidance of the Government, had adopted that proposition, and a proposition that made a distinction between free-labour and slave-labour sugar, by which the hon. Member for Bristol was driven to frame his proposition according to that proposition; and having done so, he thought it was pretty clear that a reduction of not less than 9*s.* per cwt. would take place in the price of sugar in consequence of the proposition of the hon. Gentleman, and the result would be a reduction of a penny per pound in the price of sugar to the consumer, and would be a great advantage. That was the reason why he preferred the proposition of the hon. Gentleman to that of the Government. But the hon. Member for Manchester had said that there would be a greater protection given by the proposition of the hon. Member, and that there was something insidious in it, so that the consumer would not gain the advantage; but it would be given to the producer and the West-India interest. He did not think the hon. Member for Manchester correct in that statement. The Chancellor of the Exchequer had said with great fairness that the proposition of the hon. Member and that of the Government gave equal protection; and therefore that no superior protection was given by the proposition of the hon. Gentleman. Another ground was, that the right hon. Member for Taunton had stated that the general prices of Java, Manilla, and Siam sugars corresponded with the prices of the brown sugar of Brazil and Cuba, and not with the white-clayed sugar of those countries; and the right hon. Gentleman the President of the Board of Trade assented, as he understood, to the statement of his right hon. Friend. There appeared in the newspapers statements as to the importation into the United States of white and brown sugar at the same duty, and that they might find their way to this country. The fact was, that in respect to the two propositions before the House, it might be generally concluded that three-fourths of those sugars would be brown and Muscovado sugars, and not the white sugar of those Colonies. If that was the case, there had been enough

said to show the great advantage of the proposition of the hon. Member. Upon the whole, he thought there was an advantage in the proposition of the hon. Member over that of the Government. There would be some loss of revenue, but it appeared that it would be very trifling: and if it was something in the present year, it would not be so in future years. The great advantage was, that the proposition of the hon. Member for Bristol was an additional spring to consumption, putting the article in greater request. The right hon. President of the Board of Trade said it was impossible to consider this question in a large and comprehensive view, for this reason, that it would then be necessary to consider whether the Income Tax should be considered. But if it had been decided by the House that the Government contemplated the continuance of the Income Tax, then it would have been of the greatest advantage to consider this question with regard to the great articles of consumption, and particularly with regard to sugar. He did not agree with the right hon. Gentleman that it was impolitic to consider the question of the Income Tax in connexion with this subject; for the present proposition had created great alarm, and distrust, and disturbance in the market, and, it being doubtful if any settlement of that question could be made this year, it was not to be supposed that persons connected with the West Indies would employ that energy and capital which they otherwise would. That would occasion a great loss to the persons concerned; but all these evils might have been averted if the Government would have taken that question into consideration this year instead of the next. He did not say that the proposition of the hon. Member for Bristol was a perfect and entire settlement of the sugar question, but with the difficulties in which the House was now placed, and comparing the two propositions with one another, he thought it the better of the two, and therefore should give his vote for it.

Captain *Berkeley* amidst general cries for a division, was understood to say that if his hon. Colleague would drop the 4*s.* he would vote with him; but as he saw he would not, he must vote against him.

Mr. *Miles* in reply, said, that he had been asked why he had brought forward this measure? He did so because the West India interest thought his proposition was better than that of the Government. He observed that a letter had been written to the *Morning Post* by the Chairman of the West India body from which he would read a passage. The hon. Gentleman then read the following article:—

"In further elucidation of the statement of your correspondent, in your paper of yesterday, on the Sugar Duties, it can be made clear that the proposed protecting duty of 10*s.* per cwt. is not a protecting duty at all, but an equalisation of duty between the three classes (with reference to their cost of production, their prices in the market, and their qualities respectively), viz., foreign slave-made sugar, foreign free-labour sugar, and British plantation sugar. It is self-evident that the question will not be settled unless slave-made sugar, as well as slave-made coffee and cotton, be admitted into the British market. It is worse than trifling to talk of maintaining the distinction for any length of time; and it is only a financial torture to the West-India planter and merchant to prolong the struggle, by not settling the question at once and for ever, or for a definite period, say for ten years certain. The merchants would then advance capital to promote cultivation and emigration. If not so done, the estates in the British Colonies will be generally abandoned, and the British public be equally abandoned to the supply of foreigners, who will thus acquire the monopoly. The mere substitution of a foreign market for British manufactures instead of a colonial one. To illustrate the statement of an equalisation of duty—Manilla sugar, which is imported here as free-labour sugar, is superior to the best Muscovado for refiners by 5*s.* per cwt. (It has no foot or bottom like the West India of inferior quality.) This Manilla sugar can be produced there at 14*s.* per cwt., and is sold here at 18*s.* per cwt. The British plantation cannot, on an average, be raised under 24*s.* per cwt. (Mr. James stated in his place that his sugar cost him 38*s.* per cwt. here, or 4*d.* per lb.) Add 10*s.* per cwt. duty to the Manilla sugar at 14*s.* per cwt.. the result is 24*s.* per cwt., or the cost of production of British plantation sugar; but the Manilla sugar is 5*s.* per cwt. better, which *quoad* quality is, in fact, a premium *pro tanto* of that amount in the British market. In order, then, to put the Manilla and British plantation sugar on an equality in this market, the discriminating duty should be 15*s.* per cwt., and then it would be merely an equalization of duty, not a protecting duty. The same reasoning and figures apply to the foreign Slave Trade sugar, both as regard the cost of production, the price of the British market and the quality. In consequence of an increased supply from the West Indies, the price of sugar has fallen 5*s.* per cwt., and the reduction of duty to 20*s.* per cwt.—5*s.* per cwt., making 10*s.* per cwt., or 1*d.* a pound. The relative duties, therefore, on all foreign sugar to British

plantation should be as 35*s.* per cwt. to 20*s.* per cwt., which, on principle, should reconcile Mr. Ewart as an equalisation duty—Lord John Russell, as an advocate for slave-grown sugar —and Mr. Goulburn, as a protecting duty; but at all events, let the measure possess the character of finality."

Mr. Gladstone, senior, had spoken both against his (Mr. Miles's) proposition, and also against that of the Government, but looking at the letter which Mr. Gladstone had addressed to the *Times*, he was of opinion that that Gentleman was more in favour of his (Mr. Miles's) proposition than of the one put forth by Her Majesty's Ministers. The hon. Gentleman read the following extract from Mr. Gladstone's letter:—

"It is the avowed desire of the Government to increase the supply, and by reducing the prices of sugar the consumption and comforts of the people. In my humble opinion, this can only be done by reducing the duty on British Muscovados to 10*s.*, and in proportion on clayeds, with the required protection against foreign. Sugars now sold for 6*d.* per lb. to the lower classes, would be sold for 4*d.*; they would thus be placed in quantity within the reach of their means, and, as a necessary of life, be consumed in largely increased quantity, whether British or foreign; in the first instance the revenue would be reduced, but great increase of consumption would ensue, and their comforts increased, whilst the prosperity of the planters might be restored. I would then fondly hope the prosperous and increasing state of the revenue will ere long be found to admit and invite such a course to be taken by the Government."

With respect to another question which had been put to him by the hon. Member for Stockport, and also by his hon. Colleague, he must say he was not prepared to give up the 4*s.* differential duty.

Viscount *Howick*, amidst much confusion, explained to his hon. Friends around him the nature of the vote they were now called upon to give. The question which would be put to them by the Chairman would be, that the words in the original Motion proposed to be left out should stand part of the question. If the majority should negative these words, and thereby defeat the proposition of the Government, it would then be perfectly open to any Gentleman who wished to make a proposition different from that which had been made by the hon. Member for Bristol to move it. The question, therefore, upon which they were now about to vote, was not the Amendment proposed by the hon. Member for Bristol; but it was "Aye" or No," would they or would they not negative the plan of the Government. He believed that plan to be a bad one, and he should vote against it, without, however, pledging himself to adopt, without alteration, the suggestion of the hon. Member for Bristol.

The House divided on the question, that the words proposed to be left out stand part of the question*. — Ayes 221; Noes 241: Majority 20.

List of the AYES.

Acland, Sir T. D.	Baird, W.
A'Court, Capt.	Balfour, J. M.
Adare, Visct.	Baring, hon. W. B.
Alford, Visct.	Barneby, J.
Allix, J. P.	Barrington, Visct.
Arbuthnott, hon. H.	Baskerville, T. B. M.
Archdall, Capt. M.	Bateson, T.
Arkwright, G.	Beckett, W.
Bailey, J.	Bentinck, Lord G. ✓

* As the division gave rise to some controversy, we think it right to subjoin from the Votes of the House the exact Motion and form in which the question was put.

Sugar Duties Bill, — (In the Committee):— First Clause (Duties imposed by Acts 6 and 7 William IV., c. 26, and 3rd and 4th Victoria, c. 17, continued till the 5th day of July 1845): — Amendment proposed, in page 1, line 21, to leave out from the words "continued until the" to the end of the Clause, in order to add the words "10th day of November 1844, and that from and after that date, until the 5th day of July 1845, in lieu of the duties now payable and hereby continued thereon, there thall be charged the duties of Customs following: that is to say,

Sugar; *videlicet*,	£	*s.*	*d.*
Brown or Muscovado or clayed sugar, not being refined, the cwt.	3	3	0
The growth of any British possession in America, and imported from thence, the cwt.	1	0	0
The growth of any British possession within the limits of the East India Company's Charter, into which the importation of foreign sugar is prohibited, and imported from thence, the cwt.	1	0	0
The growth of any other British possession within those limits, and imported from thence, the cwt.	1	10	0

And on sugar which shall be certified as hereinafter is mentioned to be the growth of China, Java, or Manilla, or of any other foreign country the sugar of which Her Majesty in Council shall have declared in manner hereinafter mentioned to be admissible, as not being the produce of slave-labour,

Blackburne, J. I.	Eliot, Lord
Blakemore, R.	Ellis, W.
Blandford, Marq. of	Escott, B.
Boldero, H. G.	Estcourt, T. G. B.
Borthwick, P.	Farnham, E. B.
Botfield, B.	Fellowes, E.
Bouverie, hon. E. P.	Filmer, Sir E.
Bowles, Adm.	Flower, Sir J.
Bramston, T. W.	Forester, hn. G. C. W.
Bright, J.	Forman, T. S.
Brisco, M.	Forster, M.
Broadley, H.	Fox, S. L.
Brooke, Sir A. B.	Fremantle, rt. hn. Sir T.
Bruce, Lord E.	Gardner, J.
Bruges, W. H. L.	Gaskell, J. Milnes
Buck, L. W.	Gibson, T. M.
Buller, Sir J. Y.	Gladstone, rt. hn. W. E.
Burroughes, H. N.	Gladstone, Capt.
Campbell, Sir H.	Glynne, Sir S. R.
Campbell, J. H.	Godson, R.
Cardwell, E.	Gordon, hon. Capt.
Chapman, A.	Gore, M.
Chelsea, Visct.	Gore, W. O.
Chetwode, Sir J.	Gore, W. R. O.
Cholmondeley, hn. H.	Goulburn, rt. hon. H.
Chute, W. L. W.	Graham, rt. hon. Sir J.
Clayton, R. R.	Greenall, P.
Clerk, Sir G.	Gregory, W. H.
Clive, Visct.	Grimstone, Visct.
Clive, hon. R. H.	Hale, R. B.
Cochrane, A.	Halford, Sir H.
Cobden, R.	Hamilton, C. J. B.
Cockburn, rt. hn. Sir G.	Hamilton, G. A.
Collett, W. R.	Hamilton, Lord C.
Corry, rt. hon. H.	Harcourt, G. G.
Courtenay, Lord	Hayes, Sir E.
Cresswell, B.	Hayter, W. G.
Cripps, W.	Heathcote, J.
Darby, G.	Heathcote, Sir W.
Davies, D. A. S.	Heneage, G. H. W.
Dawnay, hon. W. H.	Herbert, hon. S.
Denison, E. B.	Hervey, Lord A.
Dodd, G.	Hillsborough, Earl of
Douro, Marq. of	Hodson, F.
Dowdeswell, W.	Hodgson, R.
Drax, J. S. W. S. E.	Hogg, J. W.
Drummond, H. H.	Holmes, hn. W. A'C.
Dugdale, W. S.	Hope, hon. C.
Duncombe, hon. A.	Hope, A.
Duncombe, hon. O.	Hope, G. W.
Du Pre, C. G.	Hornby, J.
Eastnor, Visct.	Hughes, W. B.
Egerton, W. T.	Humphery, Ald.
Egerton, Sir P.	Hussey, A.
Hussey, T.	Peel, J.
Ingestre, Visct.	Pigot, Sir R.
Inglis, Sir R. H.	Polhill, F.
James, Sir W. C.	Pollington, Visct.
Jermyn, Earl	Praed, W. T.
Jocelyn, Visct.	Pringle, A.
Johnstone, Sir J.	Ricardo, J. L.
Johnstone, H.	Richards, R.
Jones, Capt.	Rolleston, Col.
Ker, D. S.	Round, C. G.
Kirk, P.	Round, J.
Knatchbull, rt. hn. Sir E.	Rushbrooke, Col.
Lefroy, A.	Russell, C.
Lennox, Lord A.	Sanderson, R.
Leslie, C. P.	Seymour, Sir H. B.
Liddell, hon. H. T.	Shaw, rt. hon. F.
Lincoln, Earl of	Shirley, E. J.
Lockhart, W.	Sibthorp, Col.
Lygon, hon. Gen.	Smith, rt. hn. T. B. C.
Mackenzie, W. F.	Smyth, Sir H.
McNeill, D.	Somerset, Lord G.
Mahon, Visct.	Sotheron, T. H. S.
Mainwaring, T.	Stanley, Lord
Manners, Lord C. S.	Stuart, H.
March, Earl of	Sturt, H. C.
Marsland, H.	Sutton, hon. H. M.
Martin, C. W.	Tennent, J. E.
Maunsell, T. P.	Thesiger, Sir F.
Meynell, Capt.	Thornely, T.
Milnes, R. M.	Thornhill, G.
Mitchell, T. A.	Tomline, G.
Mordaunt, Sir J.	Trench, Sir F. W.
Morgan, O.	Trevor, hon. G. R.
Morgan, C.	Trotter, J.
Mundy, E. M.	Verner, Col.
Murray, C. R. S.	Vernon, G. H.
Neeld, J.	Vesey, hon. T.
Neeld, J.	Walsh, Sir J. B.
Neville, R.	Warburton, H.
Newport, Visct.	Welby, G. E.
Nicholl, rt. hon. J.	Whitmore, T. C.
Norreys, Lord	Wood, Col.
Northland, Visct.	Wortley, hn. J. S.
Oswald, A.	Wortley, hn. J. S.
Owen, Sir J.	Wynn, Sir W. W.
Packe, C. W.	Yorke, hon. E. T.
Palmer, R.	TELLERS.
Patten, J. W.	Young, J.
Peel, rt. hn. Sir R.	Baring, H.

List of the NOES.

Adderley, C. B.	Anson, hon. Col.
Aglionby, H. A.	Archbold, R.
Aldam, W.	Armstrong, Sir A.

and which shall be imported into the United Kingdom, either from the country of its growth, or from some British possession, having first been imported into such British possession from the country of its growth, the following duties, namely,

Brown, Muscovado, or clayed, the cwt.	1	10	0
White clayed, or sugar otherwise prepared, and equivalent to white clayed, the cwt.	1	14	0
Molasses, the cwt.	1	3	9
The produce of and imported from any British possession. the cwt.	0	7	0
Sugar refined, the cwt.	8	8	0
Candy, brown, the cwt.	5	12	0
——— white, the cwt.	8	8	0

And so in proportion for any greater or less quantity than a hundred weight, together with an additional duty of five per centum on such aforesaid rates of duty." [Mr. *Phillip Miles*: Instead thereof:—Question put, "That the words proposed to be left out stand part of the Clause."]

Bagge, W.
Baillie, Col.
Bannerman, A.
Barclay, D.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, Sir H. W.
Bell, J.
Bellew, R. M.
Benett, J.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Bernal, Capt.
Blackstone, W. S.
Blewitt, R. J.
Bodkin, W. H.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Browne, hn. W.
Brownrigg, J. S.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, E.
Busfield, W.
Butler, P. S.
Byng, G.
Byng, rt. hon. G. S.
Carnegie, hon. Capt.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Chapman, B.
Christie, W. D.
Christopher, R. A.
Clements, Visct.
Clive, E. B.
Codrington, Sir W.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Colquhoun, J. C.
Colvile, C. R.
Copeland, Ald.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Dick, Q.
Dickinson, F. H.
Divett, E.
Douglas, Sir H.
Douglas, J. D. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Duncannon, Visct.
Dundas, Adm.
Dundas, F.
Dundas, D.
Dundas, hon. J. C.
East, J. B.
Easthope, Sir J.
Ebrington, Visct.
Ellice, rt. hon. E.
Elphinstone, H.
Entwisle, W.
Evans, W.
Ewart, W.
Feilden, W.
Fielden, J.
Ferguson, Col.
Fernand, W. B.
Fitzmaurice, hon. W.
Fox, C. R.
French, F.
Fuller, A. E.
Gisborne, T.
Gore, hon. R.
Goring, C.
Granger, T. C.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hallyburton, Lord J. F.
Hampden, R.
Hanmer, Sir J.
Hastie, A.
Hawes, B.
Heneage, E.
Henley, J. W.
Henniker, Lord
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Horsman, E.
Howard, hn. C. W. G.
Howard, hon. J. K.
Howard, Lord
Howard, hn. E. G. G.
Howard, P. H.
Howard, hn. H.
Howard, Sir R.
Howick, Visct.
Hume, J.
Hurst, R. H.
Hutt, W.
Irving, J.
James, W.
Jervis, J.
Johnson, Gen.
Labouchere, rt. hn. H.
Langston, J. H.
Lascelles, hn. W. S.
Layard, Capt.
Long, W.
McGeachy, F. A.
Maclean, D.
McTaggart, Sir J.
Maher, N.
Mangles, R. D.
Manners, Lord J.
Marjoribanks, S.
Marshall, W.
Martin, J.
Maule, rt. hon. F.
Miles, W.
Mitcalfe, H.
Morris, D.
Morrison, J.
Muntz, G. F.
Napier, Sir C.
Newdegate, C. N.
Norreys, Sir D. J.
O'Brien, A. S.
O'Brien, J.
O'Connell, M.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Ossulston, Lord
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Pendarves, E. W. W.
Pennant, hon. Col.
Philipps, G. R.
Philips, Sir R. B. P.
Philips, M.
Phillpotts, J.
Plumptre, J. P.
Plumridge, Capt.
Protheroe, E.
Pulsford, R.
Pusey, P.
Rashleigh, W.
Rawdon, Col.
Redington, T. N.
Reid, Sir J. R.
Rendlesham, Lord
Repton, G. W. J.
Roebuck, J. A.
Ross, D. R.
Rous, hon. Capt.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord E.
Russell, J. D. W.
Sandon, Visct.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Shirley, E. P.
Smith, A.
Smith, rt. hon. R. V.
Smythe, hn. G.
Standish, C.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, P. M.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Taylor, E.
Tollemache, J.
Towneley, J.
Traill, G.
Trollope, Sir J.
Troubridge, Sir E. T.
Tufnell, H.
Turnor, C.
Vane, Lord H.
Vivian, J. H.
Vivian, hon. Capt.
Waddington, H. S.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Watson, W. H.
Wawn, J. T.
Wemyss, Capt.
White, H.
Wilde, Sir T.
Williams, W.
Williams, T. P.
Wilshere, W.
Wodehouse, E.
Wood, C.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.

Baillie, H. J.
Miles, P.

Paired Off.

FOR.	AGAINST.
Joliffe, Sir W.	Disraeli, B.
Lindsay, H. H.	Leader, J. T.

House resumed. Committee to sit again.

COMMERCIAL MARINE COMMITTEE.] The Debate on appointing the Commercial Marine Committee was resumed, and after Mr. Labouchere and Mr. Warburton had expressed an opinion that the Committee was to be composed of Gentlemen

who were all too much in favour of protection—the Committee was nominated.

House adjourned a quarter before two o'clock.

HOUSE OF LORDS,

Monday, June 17, 1844.

MINUTES.] BILLS. *Public.*—1ª. Marriages (Ireland).

2ª. Bankruptcy and Insolvency Laws Amendment; Insolvent Debtors Act Amendment.

3ª. and passed:—Education of the Poor, etc.

Private.—*Reported.*—Salisbury Branch Railway; Nottingham (West Croft Canal) Improvement; Ashton, Staleybridge, and Liverpool Junction Railway; Sheffield, Ashton-under-Lyne, and Manchester Railway (Ashton-under-Lyne and Staleybridge Branch); Eastern Union Railway; Southampton Improvement; Slamannan Railway; Brighton and Chichester Railway.

3ª. and passed:—Manchester Improvement; West Croft Inclosure (Nottingham); North British Railway.

PETITIONS PRESENTED. From Lyle Hill, and Aghadoey, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—By Duke of Cleveland, from Isle of Axholme, and Durham, for Protection to Agriculture.—From Killmacomague, and Clonakilty, for the Extension of Scriptural Education in Ireland.—From Maidstone, and 2 other places, against the Union of St. Asaph and Bangor. — From Horsley-upon-Tyne, and 2 other places, against the Dissenters Chapels Bill.—From County of Renfrew, for placing the Perth Penitentiary upon the same footing as English Penitentiaries; and also on the subject of Assessment for the maintenance of Prisons (Scotland). — From Dundee, for Improving the condition of Scotch Schoolmasters.—From Guardians of Kells Union, against the Poor Laws (Ireland).—From Guardians of the Belfast Union, for power to Apprentice Children of a certain age to various Trades.

OPENING LETTERS AT THE POST OFFICE.] The Earl of *Radnor* said, he rose to move for certain Returns relative to the recent proceedings connected with the Post Office Department, which were of so much importance that every information ought to be afforded to the public on the subject. A Petition had been presented to the other House of Parliament from four persons, which stated that letters addressed to these individuals had been intercepted and opened in the Post Office; and an inquiry was made, whether that act was valid, and under what authority such a step had been taken? In answer, Sir James Graham, it appeared, had stated, that he had granted a warrant in respect of one of these individuals, but that that warrant had been withdrawn. From this, he (the Earl of Radnor) inferred that it was a sort of general warrant for opening letters; and he could imagine nothing more unconstitutional. The letters of individuals ought not thus to be exposed to scrutiny and examination. It had ever been the subject of boast on the part of Englishmen, more especially when travelling abroad, and observing the proceedings of Continental Governments, that letters in England were sacred—that they went through the Post Office perfectly free and unexamined—that they never were opened, or their contents sought to be extracted; but it now appeared that our Government also was invested with the power of opening any letters they pleased, under the authority of Acts of Parliament; and it was contended on the part of the Government that that power was not limited to the issuing a special warrant for the examination of a particular letter, but that the Secretary of State might issue a general warrant under which all the letters of an individual to whom it applied might be opened, delayed, and read, for so long as the warrant was not withdrawn. And further, whereas such opened letters used formerly to be sent to the party, with the distinct statement written on the outside of them, "opened and read by authority," it now appeared that this fair dealing was not observed, but that when the letters so opened had been read by the authorities, and such use made of them as is thought necessary, they are sealed again with the utmost care, so that it does not at all appear they had been opened, and so forwarded to the party without any intimation of what had taken place. Now, if this power was to exist at all, it ought, at least, to exist under some responsibility on the part of those exercising it; but exercised in the manner stated, under general warrants, limited to no particular letters and to no particular period, and the letters being sealed up again, so as to prevent the parties detecting the fact of their having been opened, there was no responsibility at all. The act was done in secret, and there were no means of making the person who issued the warrant, however unjust it might be, responsible. In order to understand how the matter as to these warrants, as to this Act of Parliament and its operation, really stood, he should move for a Return of the number of warrants that had been issued in this way. There was another matter of something the same nature that he wished to put a question about. The other day a foreigner, a Pole (Count Ostrowski) while seated quietly in his lodgings in Mount Street, Grosvenor-square, saw four men enter his room without notice, and was by them most unceremoniously arrested. He asked by what authority they proceeded, but they gave no answer, be-

yond intimating abruptly that they were policemen, of which, however, there was no external appearance, and then, having thus arrested him without any warrant shown on demand, carried him off. Now, had this gentleman resisted these men under such circumstances, even to the death of one of them, he would have been perfectly justified by the law. Nor, was this all, for having seized him, one of the men, before carrying him off broke open his writing-desk, and removed his papers which were taken with him to the police-office and handed over to the magistrate. The gentleman was released the next morning, after having been most unnecessarily and unjustifiably detained as prisoner for a number of hours—he did not recover his papers until after some delay, and then he found that one particular document of considerable importance to him had been withheld. It was generally understood that the papers in question, the papers, as he had stated of a Polish refugee, had been submitted in the meantime to the authorities at the Russian Embassy. Now, such proceedings as these appeared to him (Lord Radnor) to be utterly at variance with the principles of the British Constitution, and with the feelings of the British people. If there had anything really been alleged against this gentleman, subjecting him to the operation of the law, a regular Magistrate's warrant ought to have been issued for his arrest, and this warrant ought to have been produced; and even then no Magistrate's warrant could have sufficed to justify the seizure and detention of his papers, which could only have been legally done by a Secretary of State's warrant. He should like to hear from the Government some explanation of this very extraordinary proceeding. As to the other matter, the Post Office proceeding, he should move:

"That an humble Address be presented to Her Majesty, for a Return of all Warrants granted by any Secretary of State for opening Letters at the Post Office, since the 1st of January, 1841, stating the names of the parties whose Letters were to be opened, and also giving the form or forms of the Warrants issued; and also a Return of the Number of Letters opened in obedience to the said Warrants, and of the Names of the Persons to whom the Letters were addressed."

The Duke of *Wellington* believed that if the noble Earl would look into the Statute Book, he would find that the power in question had been exercised by Secretaries of State ever since the reign of Queen Anne, under virtue of an Act passed in that Sovereign's reign, and latterly, at the time the Post Office underwent certain reforms, continued by an Act passed in the first year of her present Majesty, in words as nearly as possible those of the former Act. The various warrants issued in this extended period had possessed the same force, and had been framed in the same terms, as in the case referred to. He was sure their Lordships must feel it to be expedient that such a power should exist in one of the offices of Government, and if it were expedient that it should exist, then it should be exercised under his responsibility, and that your Lordships should not call for these Returns, or for any account of the exercise of this power unless some clear ground of complaint, some grievous wrong was shown; in such a case, doubtless, if it were demonstrated that a Secretary of State was undeserving of the confidence of the House and of the country, or that he had exercised his power indiscreetly or improperly, on any occasion, then indeed there would be ground for inquiry; but in the present instance, no such ground had been shown, and he, therefore, hoped their Lordships would reject the noble Earl's Motion, as unnecessary and highly inexpedient. In reference to the case of the person mentioned by the noble Earl as having been arrested in his lodgings by four policemen, really he did not think that House was the fit place for entering into a case of that description, nor were the whole facts of the case before their Lordships. All he need say about the matter was, that this person having, to say the least of it, committed himself in a very indiscreet manner, it was thought fit to bring him before a magistrate, that he might account for his conduct, and he was accordingly brought before a magistrate. As to the complaints made by this person, that his papers were abstracted from him against his will, exposed to the inspection of particular parties, and one of them withheld, these statements were positively asserted by the authorities who had charge of the matter to be totally without foundation. And supposing that any wrong had been done this person in the way he described, it was matter for a court of justice, and not in the first instance, at all events, for that House. The fact was, however, simply

as he had stated it; there were no papers seized, but the party gave a bundle of papers to the policeman who apprehended him and on his discharge the bundle was returned to him, just as he gave it, and no document whatever was withheld.

Lord *Campbell* quite concurred with the noble Duke in thinking, that whatever grievance there might be in the last case mentioned, it was matter for a Court of Justice, and would be much more satisfactorily inquired into before a judge and jury, than before their Lordships. A constitutional question, however, had been raised in the previous matter spoken to, which he thought deserved the prompt and serious consideration of the House. He had not been aware that the subject would be introduced that evening, but having seen it adverted to elsewhere, he had referred to the Act of Parliament under which the power in question was exercised. It was clear that such a power could only be exercised under an Act of Parliament, for the Common Law gave the Secretary of State no such authority. Under the Common Law letters were sacred. The noble Duke, however, was mistaken as to the nature of the power thus given by Parliament in the reign of Queen Anne, and continued under every Post Office Act from that time to the present, the latest Act on the subject being the 7th Wm. IV., and 1st Vic., c. 36. By the 25th section of that Act, it was made misdemeanor to delay or open any letter placed in the Post Office; but then came this proviso,—

"Provided always that nothing herein contained shall extend to the opening or delaying of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof; nor to the opening or detaining, or delaying of a post letter in obedience to an express warrant in writing, under the hand (in Great Britain) of one of the Principal Secretaries of State; and in Ireland, under the hand and seal of the Lord-Lieutenant of Ireland."

This was a sort of power to be construed strictly, and this provision would be construed strictly in a Court of Justice, if there were anything equivocal in its language, but this was by no means the case; for the plain distinct language of the provision was, that there should be a particular and express warrant for each and every letter so opened; for any letter to be opened, there must be "an express warrant, under the hand and seal of one of Her Majesty's principal Secretaries of State." He (Lord Campbell) had no hesitation in saying, after a careful examination of the Acts of Parliament, that to open, detain, and delay letters under a general warrant, would be unlawful. And, as to the power really possessed by the Government, it ought to be exercised most cautiously—not to gratify the curiosity, much less the malignity, of any foreign state — but only in a case where the safety or honour of our own country was, upon good grounds, believed to be compromised by the individual against whose correspondence the warrant was directed. And even then, the warrant must be an express one against a definite letter, or it would contravene the Act of Parliament. The security of their correspondence was a distinction of which the people of this country had ever been justly proud, and he trusted that that privilege they were not destined to lose.

Lord *Brougham* deeply regretted that this Motion should have been brought forward without any notice. [The Duke of *Wellington*: The noble Lord gave me notice of it.] He meant such notice as would have afforded noble and learned Lords an opportunity of looking into the law upon the subject. He (Lord Brougham) was now suddenly called on to say whether he agreed in this most extraordinary construction put upon the Act by his noble and learned Friend, who had, no doubt, duly considered it. But he (Lord Brougham), not having had time to consider it, was not prepared to say that he could go along with his noble and learned Friend. His noble and learned Friend said that the Secretary of State was to give a warrant for each letter, and was to define the letter which the warrant was to authorize the opening of. But how was it possible for a Secretary of State, let him be ever so acute and perspicacious, to know how many letters the suspected traitor was to receive on a certain morning, and also to know what kind of letters they were to be, what places they were to come from, what postmark they were to bear, what kind of handwriting they were in and paper written on, because all these things were necessary to be known to be able to give a warrant for each letter and to define the sort of letters to which the

warrants were to be applied? He (Lord Brougham) might come to the same conclusion as his noble and learned Friend, if he had time to consider the question. Certainly, if his construction of the Act were correct, the sooner a new act was passed the better. [Lord *Denman* remarked that the power had better be left out altogether.] The Lord Chief Justice, with a degree of celerity more characteristic of his legislative than his judicial capacity, observed that the power should be omitted. But he was not aware of how frequently cases might arise—although it was much to be desired that they never should arise—in which it would be necessary to take the precaution of obtaining information in this way. It was a very popular thing to declaim against the opening of letters in the Post Office, and he heartily wished that society was so constituted as to render all such legal remedies useless, because they were odious. No one had a greater horror of this power than he had, and no one rejoiced more at England being exempt from the stain of other countries in the proverbial security of her Post Office; but he was not prepared of a sudden to say that power ought to be taken away, considering that it had been exercised by so many Governments,—not only by Sir R. Walpole, in whose time it had been acted upon more exuberantly than at any other period,—not only by Lord Somers, at the time of whose Government this proviso was originally framed,—not only by the Governments of Mr. Pitt and Lord Grenville, the man who, of all others, had the greatest horror of any unnecessary interference with the safe custody of letters in the Post Office, but by the Governments of Mr. Fox, Lord Grey, and his noble Friend Lord Melbourne, in whose time this very proviso was continued as it was in former Bills, and precisely on the same footing as it had been since the reign of Queen Anne. If, upon inquiry, he should find that this power was qnite unnecessary, and that it would be better, as his nobie Friend suggested, to lop it off, he would be the first to alter and amend the law respecting it; but, without inquiry, he was not prepared to say that they had acted in error for one hundred and fifty years, and that no such power was necessary for the Constitution of this country.

Lord *Denman* said, that being here in his legislative capacity he very much regretted that the Motion was to be resisted, for he regarded it as one of the very highest interest. A subject of such vast importance to the people having been brought before Parliament, it seemed to him most desirable that all the information that could be given on the matter should be immediately made public. This was the object of his noble Friend, and without casting any blame, or seeking to throw any suspicion over the manner in which the power in question had been exercised in the present instance, he certainly thought that the real and entire state of the case ought to be generally promulgated. If blame were attributable to the exercise of such a power he should share it, for soon after the change of Government in 1830 a new Post Office Bill being required, he took an active part in preparing it. The Clause containing the power he observed with a good deal of surprise, but as it was not thought necessary to deprive future Governments of the power, the Clause continued to be part of the Bill. He believed his noble and learned Friend (Lord Campbell) was Attorney General when the Act was passed; so that it was not in any degree a party measure. The question, he would repeat, was one of vast interest to foreigners, as well as to our own people, great alarm having naturally spread abroad on the subject, as recently brought before the public, and he, therefore, considered it most desirable that it should be fully discussed, and the matter be fully understood both by the Parliament and by the country. As to the construction to be put upon the provision cited, he was of opinion that th construction stated by his noble and learned Friend who last spoke was the right one; for he could not see how the Post Office authorities, when directed by the Secretary of State to detect the treasonable correspondence of A. B., could do so, unless they opened all his letters. It was obviously quite impossible for him, as his hon. and learned Friend said, to know which particular letter of A. B.'s, perhaps multitudinous correspondence occurring next Monday, contained the objectionable matter unless they opened all of them. He could not do this without opening every letter, and this circumstance increased the horror of the practice. Could anything be more revolting to the feeling than that any man might have all his letters opened in conse-

quence of some information respecting him having been given to the Secretary of State, and that the contents of those letters which he might have never received, might be made use of for the purpose of proceeding against him in a court of justice? The letters of a man might be opened, and he might not have the slightest intimation that he was betrayed. Now, is such a state of things to be tolerated in a civilised country? He would say, without the slightest hesitation, that it ought not to be borne with for a single hour. If his noble Friend's Motion were rejected, he hoped that his noble Friend would at once give notice of a Motion, so that the practice might be altered or abolished.

Lord *Brougham* observed that he had not expressed any approval of the system; on the contrary, he distinctly stated that nothing but absolute necessity for the safety of the State would justify it.

Lord *Campbell* said, that he certainly was Attorney-General when the present Act was passed, and the Clause must have come under his attention, but he certainly was not aware that the construction which had been put on it that night could have been adopted. His own conviction was, that the Legislature only intended to give a power to the Government, in case it received information that a letter was passing through the Post Office containing matter dangerous to the State, to order such letter to be opened. He should not object, under such circumstances, that a letter specified in the warrant might be opened. If, however, it was intended that the construction of his noble and learned Friend should be put on the Clause, it would expose the correspondence of the whole country to the supervision of the Government. His noble and learned Friend said, that it was quite sufficient, if some suspicion was entertained by the Secretary of State with respect to any individual, to order all his letters to be opened. He believed that the Legislature never intended to give such a power to any Member of the Government.

Lord *Brougham* would ask any noble Lord whether he had heard him say that some suspicion existing in the mind of the Secretary of State that somebody was doing something wrong would justify him in opening letters directed to any person? The Secretary of State was responsible for the Acts which he performed, and he must have evidence to satisfy his mind, and to induce him to act upon it.

The Marquess of *Normanby* said, that as he had filled the office, the holder of which was responsible for the exercise of this discretionary power, he hoped that he might be permitted to say a few words. He could, better than noble Lords, who had not filled the office of Secretary of State, speak as to the frequency of resorting to the exercise of this power, and to the extent to which it was carried. He believed that he could speak with confidence as to the practice of his predecessors in that office, and also his successors, and that nothing induced the Secretary of State to resort to it but a belief that it was an extreme case of danger to the State. There might come a time when the Secretary of State might be in possession of information which he might feel bound to act upon, as to certain parties being engaged in a plot against the State; and it was possible that by the exercise of this power entrusted to him by the Legislature, that he might be enabled to prevent it. It might also be necessary to resort to it for the detection of some great offender. He spoke from his own experience when he declared that it was only in very rare cases that this discretionary power was exercised. He had no reason to believe that the present holder of the office had acted differently from his predecessors; therefore, with every desire for investigation as to the expediency of the practice, he did not see in the present case that any grounds had been laid for investigation. Now one word as to the practice. It must have been the intention of the Legislature, in giving this power, to leave it to the discretion of the Secretary of State to say what letters should be opened, for he could not conceive anything more inconsistent than to say that the power should only be exercised when the Secretary of State had received some information respecting some specific letter, of the existence of which he could not have been aware. The order must be to a certain extent an open warrant, but it was confined to as narrow a limit as sufficed for the exigencies of the case. It had been said that the letters were opened and destroyed; but he happened to know that the letters were always sealed up again, and sent to the parties to whom they were directed. He could most sincerely say, that if it were possible to relieve the Se-

cretary of State from this discretionary power, that the relief would be most grateful to that functionary. He could say for himself, and he sincerely believed for his predecessors and successors, that they never exercised this power unless in cases of imperative necessity. He knew of no case in which this power had been abused, and he did not believe that it was so now.

The Marquess of *Clanricarde* offered no opinion as to the construction of the statute, but wished to call attention to one fact connected with the two cases mentioned by his noble Friend behind him, giving to the question a particular character and complexion. His noble Friend, who had just sat down, thought this power was only exercised when some extreme danger to the State was apprehended, at the same time stating that a case might arise which, though hardly coming within that definition, might justify the exercise of such power—if it were to be justified at all—which he (Lord Clanricarde) was not now about to question; but their Lordships would recollect that in the case which related to the Post-office, as well as the other case which related to the conduct of the police, both parties were foreigners, and that as regarded Mr. Mazzini there did not appear to be the slightest reason for supposing that he could have been engaged in any plot whatever against the State. Now, it was reported, he hoped, without foundation, that Mr. Mazzini's letter was opened at the suggestion of the Minister of another power, the Sardinian Minister resident in this country; but, certainly, whatever justification a Secretary of State in this country might have for opening letters upon matters of State strictly connected with the Government of this country, sure he was, that their Lordships felt, and that every Englishman felt, it was not right that a power intrusted to a Minister of this country for the welfare of this country, should be exercised at the pleasure, at the will, and to the advantage, if you please, of a foreign state. The same observations applied to the other gentleman whose case had been mentioned, M. Ostrowski. If any thing illegal had been done to him, he had his remedy at law. Upon that he (Lord Clanricarde) had nothing to say; but, considering the country to which that gentleman belonged, and the circumstances under which he was a resident in this country, together with the fact of the late imperial visit, he would go so far as to say, that a degree of vigilance, even slightly beyond the law, ought to have been exercised, if they thought proper. Undoubtedly if any thing had happened to the imperial visitor, the consequences would have been horrible and frightful to the Poles themselves; and through humanity to others, as well as on account of what was due to the honour of this country, it was necessary to take every possible precaution against an event which there was no chance of occurring, but to the possibility of which, nevertheless, public allusion had been made. Now, this gentleman's papers had been seized; but upon what ground he (Lord Clanricarde) was at a loss to understand. Whatever might be the necessity for watching over this gentleman, he saw no possible necessity for seizing his papers. They ought not to have been seized without a warrant from the Secretary of State. But, being seized, the utmost discretion ought to be exercised regarding them. He had heard it reported, he hoped untruly, that those papers had been submitted to the Russian Consul-General,—no doubt an excellent man; but in such cases, if permitted to occur, it might be his bounden duty to make known the nature of the papers to the Russian Government, and, if other parties were compromised thereby in consequence of any other authority than a magistrate of this country having been allowed to have cognizance of those papers, what justice, he would ask, could be done to those parties living in another country, even by impeaching a Minister? He would ask, what redress, or he might say, what vengeance, could be obtained for the evils which the disclosure of those secrets might have brought on many families? He said this as respected the disclosure of the contents of the letters opened; but there was another point which had also obtained credit as a rumour, but which he hoped would turn out to be wholly unfounded. He referred to a Report that the letters had been opened at the instigation of a Foreign Power. He repeated his earnest hope that this would turn out to be untrue. With respect to the contents of the papers belonging to M. Ostrowski, he did trust that they had been read with due secrecy and discretion, so as to render it impossible that their contents should be known abroad. As the

snbject had been brought under the notice of their Lordships, he thought they ought to know on what grounds this proceeding had been adopted, and whether the letters were opened by the authority of a general or a special warrant—whether general warrants for such a purpose were legal, and what were the circumstances under which these powers of a Secretary of State were generally used?

The Duke of *Wellington* observed, that the noble Lord had referred to rumours as to the use made of these papers; now, he (the noble Duke) was enabled to state that there was no foundation whatever for those rumours.

Motion negatived.

IRISH POOR LAWS.] The Marquess of *Clanricarde* wished to put a question to the noble Duke relative to the Report of Mr. Pennethorne on the State of Workhouses in Ireland. Their Lordships were aware that a Report had been drawn up by Mr. Pennethorne as to the State of the Workhouses in Ireland. That Report did certainly show a leaning to the Irish Poor Law Commissioners; but it was impossible to read it attentively without seeing that great zeal and ability had been bestowed in the inquiries of which it was the result. The Report had two letters appended to it, which were rather inconsistent with parts of itself, and a Committee was appointed in the other House to inquire into the Report, and discrepancies with the letters appended to it, this seemed as if the Government was not satisfied with the Report, and wished to have it revised. Now, this was a course which was highly objectionable, because it conveyed an intimation to Commissioners and others appointed to investigate as to particular public subjects, that their Reports would not give satisfaction unless they were drawn up in a certain tone and spirit. The question which he would ask of the noble Duke was, whether the Government intended to take any, and what steps for the purpose of remedying the grievances noticed in that Report?

The Duke of *Wellington* said, it was perfectly true that Mr. Pennethorne had drawn up a most able Report as to the State of the Workhouses in Ireland. To that Report the Irish Poor Law Commissioners had appended two letters, contradicting some parts which they deemed incorrect, and alluding to others which were not quite germane to the subject of the inquiry. The Report and the letters had been referred to a Select Committee, which had them now under consideration, and as soon as the Report of that Committee should be printed he would state what the Government intended to do with respect to it.

House adjourned.

HOUSE OF COMMONS,

Monday, June 17, 1844.

MINUTES.] BILLS. *Public.* — 1°. Linen, etc. Manufactures (Ireland).

Reported.—Salmon Fisheries (Scotland).

3°. and passed:—Limitations of Actions (Ireland).

Private.—2°. Market Harborough and Coventry Road.

Reported.—Rigby's Estate; Campbell's Estate; Marquess of Ailsa's Estate.

PETITIONS PRESENTED. By many hon. Members (80 Petitions), against the Dissenters Chapels Bill, and 6 in favour of the same. — By Mr. Hogg, from Beverley, in favour of Ecclesiastical Courts Bill.—By Mr. G. Hamilton, from Templemartin, and Clonakelty, in favour of Education System (Ireland). — By Mr. Bateson, from Aghadoe, and Mr. Duncan, from Dundee, for Legalizing Presbyterian Marriages.—By Mr. A. Hussey, from Southampton, and Holy Rhood, against Union of Sees of St. Asaph and Bangor.—By Mr. Gally Knight, from Port Philip, for Inquiry into Conduct of Judge Willis.—By many hon. Members (99), against Repeal of Corn Laws.—By Mr. Wakley, from Proprietors, for Reduction of Duty on Hackney Carriages.—By Mr. B. Smith, from Norwich, against Art Unions.—By Mr. Darby, from Bankers, and Mr. Round, from Saffron Waldon, against Bank of England Charter Bill. — By Lord G. Bentinck, from Norfolk, against County Courts Bill.—By Mr, Eliot Yorke, from Cambridgeshire, and Huntingdonshire, for Compensation.—By Mr. Hawes, from Greenwich, against Encroachments on the Park.—By several hon. Members (4), respecting the Poor Laws.—By Lord Eliot, from St. Austell, for Rating Owners of Tenements.—By Mr. Brocklehurst, from Macclesfield, respecting Carriage of Goods by Railway. — By Mr. Vesey, from Abbeyleix, against Savings' Banks Bill.—By Mr. French, from Jamestown, for Improvement of Shannon Navigation. — By Mr. Brocklehurst, from Macclesfield, and Mr. Wyse, from Wm. Ford, and others, for Inquiry into State Trials (Ireland).

THE SUGAR DUTIES.] On the Order of the Day being read for the House to resolve itself into Committee on the Sugar Duties Bill,

Sir *R. Peel* said—Sir, it is probable that the House expects from me some statement of the course which Her Majesty's Government propose to pursue under the circumstances in which they are placed by the vote of Friday night on the Sugar Duties, and assuming that I am right in respect to the wishes of the House as regards the statement I am prepared to make, probably the House will allow me to make it when the House shall have resolved itself into Committee, and Mr. Greene is in the Chair.

House in Committee.

On the first Clause; and on the question that the words proposed by Mr. Miles be added, see *ante*, 970.

Sir *R. Peel*: Sir, I propose now, with the permission of the Committee, to put it in possession of the views which Her Majesty's Government entertain with respect to the effect of the decision of Friday last on the subject of the Sugar Duties, and to state the course which it is their intention to pursue. Preliminary to that statement of their intention the Committee will, I am sure, permit me to refer in the first instance to the course Her Majesty's Government have pursued in the present year in relation to the financial policy of the country, and the considerations which have induced them to take that course, and to refer especially to the views they entertain upon the subject of those particular duties which are imposed upon foreign and colonial sugar. Sir, the opinions we entertain upon the subject of the Sugar Duties are those which we have entertained for several years—views which we expressed when we were opponents of Her Majesty's Government, which we have avowed since we have been intrusted with power, and which at the present time we still entertain and intend to act upon. We are of opinion that the ordinary considerations which determine matters of financial and commercial policy do not apply to the particular article of sugar. We find that with respect to the Slave Trade this country has adopted a particular line of action, from which it may be inferred that this country considers the continuance of the Slave Trade one of the greatest evils and curses by which humanity can be afflicted. We have Treaties with Foreign Powers by which they are engaged to co-operate with us in the suppression of the Slave Trade. Under ordinary circumstances we are ready to admit that the regulation not only of the internal affairs of countries, but of their commercial relations and interests generally, is within the province of the exclusive jurisdiction of each independent State. But we have engaged other Powers by special Treaties to co-operate with us for the suppression of the Slave Trade, though the chief onus of the attempt to suppress it has fallen on this country. The Legislature has thought itself justified by a general regard for the interests of humanity to aim at the suppression of the Slave Trade and the extinction of slavery. In our own dominions the Legislature has thought itself justified by considerations wholly apart from any interested motives—by considerations of general humanity—to call on the country to make a great sacrifice, not only for the suppression of the Slave Trade, but for the abolition of slavery. The country voted without reluctance 20,000,000*l.* for compensation for the abolition of slavery in the British dominions. At the present day a great annual expenditure is incurred on the coast of Africa and in other parts of the world by this country for the suppression of the Slave Trade, that expenditure not being intended to benefit any part of our own dominions, but to put down a trade carried on for the supposed advantage of other parties with whose domestic institutions we have no right to interfere. In the course of the last Session of Parliament we passed an Act prohibiting—or at least enforcing additional penalties against—the application of British capital to enterprises carried on in foreign countries through the medium of slavery, and encouraging the Slave Trade. Both Houses of Parliament concurred in that Act, extending it to all the dominions of the Queen, and visiting with heavy penalties all those subjects of Her Majesty who in Brazil or Cuba, or any other place, made use of their capital to encourage the Slave Trade. We have, therefore, I conceive, by the whole tenor of our policy, given conclusive proof that this country is governed with respect to the Slave Trade by a different principle from that which regulates every other kind of commercial transaction. When Her Majesty's present Government were in opposition in the year 1839, we supported those who were then in power in resisting the proposal then made by the present Member for Dumfries, the effect of which, if it had met the sanction of the House, would have been to reduce the protective duty on foreign sugar, as compared with British colonial sugar, to the amount of 12*s.* That proposal was resisted by the noble Lord, the Member for London, and his Colleagues in the Government, upon grounds which I have before quoted; and in quoting which I am sure the right hon. Gentleman opposite, then President of the Board of Trade (Mr. Labouchere) will do me the justice to say that I did not use them in the way of taunt, or as supposing that the declaration then made presumed

that they placed any impediment in the way of a reconsideration of the Sugar Duties at some other time. I do not refer to them again, except for the purpose of showing that a very high and respected authority did entertain opinions with respect to the Slave Trade, not very different from those we have subsequently adopted. The right hon. Gentleman, whose opinion I am about to quote, did not profess to be permanently bound by his opinions; still he did state, as I now state, that in determining matters connected with the Slave Trade we were bound to be regulated by other considerations than those which governed us in ordinary financial and commercial operations. In 1840, in opposing the Motion of the present hon. Member for Dumfries, the right hon. Gentleman, the then President of the Board of Trade, who had been asked why he consented to take slave-grown tobacco and cotton if he refused to take slave-grown sugar, said—

"He was not prepared to say that upon this subject the course of legislation in England had been consistent; but he thought that a broad distinction was to be drawn between the importation of sugar and the importation of tobacco and cotton. It was to be borne in mind, that the two latter commodities did not enter into competition with any similar articles raised by free labour in our own Colonies."

The right hon. Gentleman also stated, that a great experiment had then been recently made in the West Indies, and referred also to some extraordinary and temporary causes of depression in the Colonies; but stated that he was unwilling to interfere with the success of the measure for the extinction of slavery in our British Colonial possessions, by opening the floodgates to a supply of foreign sugar, which would inundate the British market, and materially interfere with the prospect of a successful termination of that experiment. Whether the views we still entertain on this subject be well founded or not, at least they are consistent views — views which we did entertain, and which we avowed and acted on when we were opposed to the right hon. Gentleman. They appeared to receive a sanction also from the very high authority of a gentleman whose name I have never mentioned without accompanying it with professions of respect for his opinions on all matters of finance—I mean Mr. Deacon Hume. That Gentleman was the advocate of the removal of the restrictions on the trade in corn, and he was the decided opponent of the protective system; he was the authority of all others who has given the most express and positive opinions, deriving great weight from his official situation and connection with the Government, in favour of unrestricted commerce and the abolition of protection. Mr. Hume himself did except this article of sugar and the Slave Trade from the ordinary principles which should govern the commercial regulations. He said—

"I cannot conceive; after our having thirty years ago abolished the slave-trade, and after having abolished slavery itself, that any question of free trade can arise as regards Cuba—with her abundance of rich soil, not only having the advantage of a population of slaves, but notoriously importing the enormous amount of 40,000 to 50,000 slaves annually, having in fact both the slave-trade and slavery—when the law has deprived the planter of the means of raising his produce. I consider the question as altogether taken out of the category of free trade."

Those were the opinions of Mr. Deacon Hume, delivered so recently as the year 1840, at a time when he was the advocate of the abolition of all restrictions. Her Majesty's Government entertain the same opinions; they think, that to expose the British planter, who has neither the advantage—if it be an advantage of slavery—nor still less of the Slave Trade, to the necessity of competing with Brazil and Cuba, spots the most favoured by nature for the production of sugar—the parts of the world, containing probably the most of rich and virgin soil, and with a climate peculiarly adapted to the production of sugar:—we entertain Mr. Hume's opinion—that if you prohibit the Slave Trade and abolish slavery, it does require the most mature consideration before you subject the British planter to competition with countries possessed of such facilities for increased production. We have the most conclusive proofs that our endeavours to extirpate the Slave Trade in Cuba and Brazil have been ineffectual; that the public mind of those countries is not opposed to the continuance of that system, but that it exists to a frightful extent; and we still entertain the opinion that to admit the sugar of those countries on the same terms that we admit the sugar of Manilla, and that we shall admit that of China, would be unjust to the

British planter. Remember too in considering this question that it was but comparatively recent that the House, by an unanimous resolution, addressed the Crown to enforce the regulations as to slavery and the slave-trade; that the Crown has acted on that address so far as to make increased pecuniary exertion to suppress the slave-trade, and that the feeling manifested on that occasion was such as to leave no doubt that, in the opinion of the House of Commons, considerations of expense was subordinate to the great object of suppressing the slave-trade, we certainly think that the opening the British market to the sugar of Brazil and Cuba would give an increased stimulus to the slave-trade as carried on in those countries and on the coast of Africa, aggravating the *status* of slavery, and that, therefore, after such public professions, it would be inconsistent so to open our markets to that slave-grown sugar. We are not insensible to those considerations—at least we attach due weight to them—urged by the opponents of protection, that the admission of sugar the growth of free labour would give, though not a direct, yet an indirect encouragement to a certain extent to the slave-grown sugar of Brazil and Cuba. That, certainly, may be the result at first; but I cannot help entertaining the opinion that, if you will encourage the protection of sugar the growth of free labour in such countries as Manilla and Java, and perhaps in China, you will by that give a permanent encouragement to the production of free-grown sugar—that, though there may in the mean time be a temporary increase of the produce of Brazil and Cuba, yet that the encouragement you will give will ultimately tend to prove that free-grown sugar can compete favourably with slave-grown sugar, and that you will thus be striking a blow, indirectly but effectually, at the slave-trade, and by those means tend to ameliorate the condition of the slaves themselves. Sir, these are the general grounds on which we still entertain the opinion that though it may be safe with respect to the West India interests to permit a limited and qualified competition of sugar the produce of free-labour, yet that it will be dangerous to those interests to admit, as the noble Lord proposed at a differential duty of 10*s.* only the sugar of Brazil and Cuba, and that it would be inconsistent with the course this country has taken, and the declarations we have made, on the subject of slavery, and the slave trade. I do not wish to provoke any controversy, but merely to state the grounds on which Her Majesty's Government have formed their conclusions, and on which they are prepared to act. With these opinions, the question upon which we had to decide at the commencement of the present year was this—what course shall we pursue with respect to the admission of foreign sugar? Of course I do not ask hon. Gentlemen to acquiesce in my views, and to make a distinction between slave-labour sugar and free-labour sugar. I only ask them to allow me to assume for the sake of argument that my opinions are correct in supposing that there is to be a distinction made. Entertaining those opinions, then, what course ought we, consistently with our public duty, to pursue with respect to the admission of foreign sugar? As bearing on the question, an event of considerable importance is to occur this year. On the 10th of November, 1844, the existing Treaty with Brazil will expire. Previously to that day it is most difficult for a Government, entertaining the opinions we do, to deal at all with the question of sugar, because Brazil is entitled, by the engagements of the existing Treaty, to have her produce received in the markets of this country on the footing of the most favoured nations. There is no qualification—it is an equivalent condition—the engagement is express and absolute. The produce of Brazil must, with respect to duty, be admitted on the same footing as the produce of Manilla or of Java; but on the 10th of November in this year, that state of things will cease. We, therefore, considered at the commencement of this year what course it would be our duty to take. It has been said that it would have been more advisable, if, instead of postponing the consideration of that great question—which must be considered previously to the expiration of the Income Tax—we had declared our general financial and commercial views this Session; and that, supposing they had led to the conclusion that there ought to be a continuance of the Income Tax, accompanied by further modifications of the Tariff, and greater reductions in the import duties on foreign articles, it would better have been made in the present year than have deferred any proposal we might have to make until the next. Now, I will state to the

House the reasons which induced us to think it our duty to postpone the consideration of the general financial condition of the country, as connected and interwoven with the renewal of the Income Tax, until next year. We thought it most desirable, that the House, before coming to a decision on so important a question as the renewal of the Income Tax, and many other questions necessarily depending upon it, should be in possession of the greatest and fullest experience as to the effect of those alterations in the Customs duties which were made in 1842, when the Income Tax was proposed. Many of those duties did not take effect until within a rather recent period. But, if we are to decide that great and important question of the renewal of the Income Tax, it would be most advantageous to us to know the result of the past reductions of the Customs' Duties. In the case of the timber duties, the experience of their effect is very deficient, because, in the case of timber, as to some of the most important articles in respect of which reductions were made. the whole alteration did not take effect till the month of October last; therefore, we have now only a very limited period from which to determine the effect of the reductions in the timber duties. There have also been, for some months past, decided indications of an increased demand for industry, and of greater employment among the manufacturing and working classes generally, that cannot but be considered as an evidence of increasing and returning prosperity as far as the trade and manufactures of the country are concerned. I am sure I am expressing the earnest wish of this House that these indications may be significant of permanent improvement. At the same time we have on former occasions been deceived by delusive indications of returning prosperity, and there are some who still think that these indications cannot be relied on. But this, in my opinion, constitutes a decisive reason why, before reviewing the whole of our commercial policy, and why, before taking into our consideration the renewal or the abandonment of the Income Tax, or whatever other financial course we might think advisable, sufficient time should elapse in order that we might be enabled to judge of the effect of the alterations then made. But there was another and a still more conclusive reason for postponing until next year the consideration of the Income Tax. We had no alternative in the present year, as we had reason to believe at the commencement of the Session, but to draw the attention of the House to two other great financial questions, which probably would press in the course of the present Session for immediate discussion. The one was the reduction of the interest on the Three-and-a-Half per Cent Stock—an operation, from the amount of that stock, by far the greatest that has been undertaken in modern times, and the failure of which would have been to every interest most unfortunate. We had also no alternative but to bring forward a proposal of the greatest importance, which I have had, as the organ of Government, the honour of submitting to this House, namely, the measure for the renewal of the Bank Charter, the regulation of Joint Stock Banks, and of the system of paper circulation in this country. We foresaw at the commencement of the Session that there was every prospect that both these measures would undergo consideration. Seeing also the mass of legislation, which I freely admit was left undisposed of at the end of last Session, and which pressed for decision in the course of the present,—the necessity of proposing the reduction of the interest of the Three-and-a-Half per Cent. Stock, and the other necessity of proposing a measure for the regulation of the Bank Charter, induced us to think that it was not desirable to call the attention of the House to another measure of the greatest financial and commercial importance, namely, the question of the renewal or discontinuance of the Income Tax. There was a third reason also for postponing the measure till next year, which, in our opinion was equally conclusive. How were we to deal with the question of the admission of foreign sugar? To propose the continuance of the Income Tax, and make no proposal on the subject of sugar, would probably not have conciliated the approval of the House of Commons. I doubt whether the House would not almost have considered a proposal respecting the Sugar Duties a necessary condition of the renewal of the Income Tax. It was impossible for us, pending the Treaty with Brazil, to make that proposal. Supposing in the month of March we had brought on the question of the Income Tax and the Sugar Duties, and proposed in that month any considerable reduction of the duties

on sugar, Brazil would have been entitled until November, 1844, to share in all the advantages of that reduction, and would have had a positive claim to admit her sugar into the market of this country with the advantage of whatever reduction would have been made. Now, from the combined operation of these three reasons, I think any gentleman who permits me to assume that we are right in making a distinction between free-labour sugar and slave-labour sugar, will admit that we had no alternative but to postpone the consideration of any very extensive measure in respect to the Sugar Duties until our discretion was unfettered, so far as Brazil was concerned, by the termination of the Treaty. We therefore did resolve deliberately not to ask the House to pronounce an opinion in the course of the present Session with respect to the continuance of the Income Tax. At the same time, we felt it to be our duty to make a proposition to the House on the subject of the Sugar Duties. We saw indications of a rising price. The price of sugar at the commencement of the spring was about 2*s*. higher per cwt. than the average of the last two years. There were reasons to apprehend that there might be a deficient supply. In the month of November, 1844, the period would arrive when we should be at liberty to deal with the question of free-labour sugar. The only monopoly that remains almost is that of sugar. ["Corn,Corn."] I do not wish to provoke discussion. I am making a statement of a very important kind, and I wish studiously to avoid saying anything which is capable of contradiction in the way of argument, still less that can provoke angry controversy. But, certainly, of the great articles of consumption in this country, the only one in respect of which an unqualified monopoly exists is sugar. On the article of foreign sugar there is a duty of three guineas, which operates as an exclusion of that produce from our market. We thought, therefore, it was our duty to avail ourselves of the earliest opportunity of proposing a measure we thought might be passed without detriment to the interest of the West-India Colonies, with advantage to the community at large, and without injury to the revenue; namely, to break down the monopoly as far as this—to admit sugar the produce of the same description of labour which the West Indians could command, namely, free-labour sugar, to competition with West-India sugar; and we resolved to propose that, after the 10th of November next, the whole extent of the protecting duty between Colonial sugar and free-labour sugar should not exceed 10*s*, We thought that if at this period of the year, when there is an increased demand for sugar, there should be a deficient supply—if the expectations of an abundant supply from our own Colonies should be disappointed —if the price should suddenly rise, there being an increased demand for the commodity, on account of increasing industry in the manufacturing districts—we did think that the West-India interest would not be benefited by such a rise in price, and that it would be for their advantage, as well as that of the consumer, to take a security at least against any rapid and considerable increase in price. We, therefore, resolved not to diminish the duty on sugar the produce of our own Colonies, but, the very earliest moment at which we could deal with free-labour sugar, without giving any corresponding right of admission to slave-grown sugar—to permit this qualified competition. We had another reason for dealing with this question in the present year. We wished the producers of free-labour sugar to know what were the opinions and intentions of Parliament. We wished them to be assured whether Parliament intended to confine the competition to free-labour sugar, and whether Parliament would sanction Government in establishing a distinction between free-labour and slave-grown sugar. It became most important to our views that early notice should be given that in China, in Manilla, in Java, the present producers of sugar, and the capitalist inclined to speculate in the increased production of sugar should know what were the intentions of the British Government, in order that at any future period there might be the means of competition with sugar the produce of our own Colonies; and the desire, therefore, to take a security against increased price, and the desire that early notice should be given in the countries which were to be the competing countries with Colonial sugar, induced us to resolve not to postpone beyond Nov. 9, 1844, the admission of that description of foreign sugar into our own market. I am bound to say that, notwithstanding the discussions which have taken place, we adhere to our opinions. We believe the

course we have proposed to be more safe for the revenue, advantageous for the consumer here, and, so far from being detrimental to the West-Indian interest, likely to promote the enlarged and permanent advantage of the West Indian body. In submitting that measure, however, to the consideration of the House we were met, in the first instance, by the Amendment of the noble Lord (J. Russell), who proposed that slave-labour sugar should be admitted into competition with colonial sugar upon the same terms on which free-labour sugar should be admitted. The noble Lord, assuming our distinction, proposed that a duty of 34*s.* should be indiscriminately applied to sugar the produce of any country, without reference to the source whence it was derived, or the kind of labour by which it was produced. The noble Lord took a division on that point, and the proposal of the Government in that respect was affirmed by a considerable majority. On a subsequent stage of the proceedings we were, however, met with a counter-proposal on the part of the West-India body. It was proposed by an hon. Friend of mine —the hon. Member for Bristol (Mr. Miles) —that there should be a departure from the scheme of the Government,—that instead of the relative amounts of sugar being as we proposed (24*s.* and 34*s.* from November next), my hon. Friend proposed, and the House implied an opinion, I presume, that his scheme was preferable to ours ["No, No,"]—well, an opinion adverse to our proposal—my hon. Friend proposed that instead of the relative Duties being 24*s.* and 34*s.* the relative Duties should be 20*s.* and 30*s.*; that there should be from the 10th of November next a reduction of duty on British sugar to 20*s.*, and that from the same day there should be a discriminating duty as respects certain descriptions of sugar called white clayed sugar, or sugar equivalent to white clayed sugar, to the extent of 14*s.* His proposal limited the protecting duty on sugar of all descriptions to 10*s.*, and with respect to a particular description of sugar that there should be a protecting duty of 14*s.* Her Majesty's Government have, as was their duty, considered the proposal of my hon. Friend. Acting, I trust, not under the influence of temper or disappointment at being in a minority, they have maturely considered the proposal which I still must think, if the Government were inclined to adopt it, would probably meet with the sanction of the House, because I cannot help thinking there must have been some understanding that hon. Gentlemen whom I see opposite were, many of them at least, to support the proposal of my hon. Friend. ["No, no."] I don't say that the vote given the other night at all involved any obligation to support it, but certainly I inferred that there was an understanding that the proposal of my hon. Friend was to receive support from the other side of the House, as opposed to the proposal of the Government. [Mr. *Roebuck*: "No."] The hon. and learned Gentleman is under no such objection, having expressed his opposition to it. I do not say that the other side of the House generally is under the least obligation to support it, but I certainly do entertain the opinion that many Gentlemen on that side of the House were prepared to support the Motion of my hon. Friend as contradistinguished from the proposal of the Government. I do not say that the vote itself binds any Gentleman, but certainly it gave reason to suppose that there was, on the part of many, a disposition to support the proposition of my hon. Friend, as opposed to the Motion of the Government. I will now, Sir, assign the reasons why Her Majesty's Government, after mature consideration, notwithstanding the vote come to the other night, retain their original opinions, and are not prepared to adopt the Motion of my hon. Friend. They cannot acquiesce in that Motion as a mode of escaping from the difficulties in which they may be placed, because, on additional and more mature consideration in the interval, they disapprove of that proposition, and they think their own original proposition preferable for every interest in this country. My hon. Friend proposes that there shall be from the 10th of November next a prospective reduction of duty. We think prospective reductions of duty, to take effect from a certain defined period, are objectionable in principle. We think that the consumer will derive little advantage from that reduction of duty, that the revenue will be subjected to loss, and that the West-India interest will not be the party that will benefit by the increase of price which will take place in the meantime. We think it not impossible, if the market is to be supplied until the 10th of November at the present rate

of duty, with a certainty that on the 10th of November there will be a diminished rate of duty—at this period of the year, which is a very critical one as respects the Sugar Duties (the period of the year when there is an increased demand for sugar on account of the prevailing habit of preserving fruits and the making of home-made wine)—we think that at this particular period there will be an observable increased demand and an increased price, on account of the unwillingness of retailers of sugar to take out supplies in the interval between the present day and the month of November, when there will be a known reduction of duty to a certain prescribed and definite amount. We think the West-India interest will not benefit by that increased price, but that those grocers and retailers who may happen to have ample supplies of sugar will refuse to increase their stock, but will increase their demand on the public. In the course of this day I have looked at the effect that was produced by our proposal for the reduction of the timber duties from a certain date. At the instance of those who had stocks in hand, in conformity with what appeared to be the general concurrence of the House, in order to give the opportunity of disposing of the stock in hand, we altered our original plan, in 1842, in respect to the timber duties, and provided that in the month of October, 1842, there should be certain known reductions of the duties on Baltic timber. The measure of reduction was to receive its completion, and the duties, which were to continue permanent, were to take effect from the 5th of October, 1843. I have attempted to ascertain what was the effect, on the timber duties, the demand for timber, and what was the effect on the revenue by the prospective reduction of the duty on timber; and for that purpose I compared the amount of duty received in the quarters ending the 10th of October, 1841, and the 5th of January, 1842, with the produce of the two corresponding quarters—the 10th of October, 1843, and the 5th of January, 1844. I omit 1842, because the duties then were in a state of change. I think the fairest period for comparison is between 1841 and 1843, there being in 1841 no notice of a reduction in the timber duties. In the quarter ending the 10th of October, 1841, the total amount of timber duty received by the Exchequer was 646,000*l.*, and in the quarter ending on the 5th of January, 1842, the following quarter, the total amount of timber duty was 292,000*l.* The proportion, therefore, of the timber duty received in the one quarter to the other was, taking the centesimal form of expression, as 100 to 45; showing that the quarter ending the 10th of October was that in which the great demand was made for foreign timber. In October, 1843, the new duty was to take effect and the total amount received in the October quarter was only 158,000*l.*, instead of 646,000*l.*; but in the following quarter, from the 5th of January, 1844, the amount of duty paid, when the duties were settled and it was known what amount of duty was to be paid, when there was no withholding of supply in order to pay a diminished duty, the receipts of the Exchequer were 268,000*l*, as compared with 158,000*l.*, that is to say, the proportion which had been in 1841, 100 to 45, was changed in the two quarters when the remission of duty was expected, and after it had taken place, from 100 to 45 to 100 to 169—showing what the effect was of a prospective reduction of duty on any article. There was diminished demand for the article—diminished payments into the Exchequer—parties waiting till they could take advantage of the diminished duty, and then, having got the diminished duty, the supply was taken out in the ordinary way. Now the amount of reduction in the timber duty made by the tariff was about one-sixth of the previously existing duty; it very nearly corresponds with the proportionate amount of reduction proposed by my hon. Friend. He proposes to make a reduction, on the 10th of November next, of about one-sixth of the present duty. My opinion is, that although I am willing to admit that the stocks of timber are much larger than the stocks of sugar, yet still I think it highly probable that the same results will follow—that there will be a limitation of supply in the sugar market for the five months that will elapse before the 10th of November next, that there will be increased price, and that that increased price will not go into the pocket of the West-India proprietor, the object of your sympathy—that there will be increased loss to the revenue, loss to the consumer, and no benefit, except to the retailer, who has no particular claim on your protection. I therefore retain my opinion that this prospective reduction of duty, to take effect from November next,

is unwise. I know it is said that we ourselves encourage an expectation that at no distant period the Sugar Duties may be reconsidered. I apprehend that any such expectation as this, contingent on the continuance of the Income Tax, would produce a very different effect on the market from the notoriety that upon a certain day, the 10th of November next, an amount of duty named also is to apply to a given article. If any evil arises from the vague expectation that the Sugar Duty may possibly, dependent on certain contingencies, be reviewed, notwithstanding the declamations and sarcasms of the late Chancellor of the Exchequer, the present Government will not be the only one that is chargeable with having made prospective changes of duties. I have heard the right hon. Gentleman opposite, the late Chancellor of the Exchequer, more than once, when the late Government were charged with taking the West-Indian interests by surprise, say, that the late Lord Sydenham, in 1839, gave them notice that they must expect a revision of the Sugar Duties at a very early period; and that was his vindication for proposing in 1841 the measure that he had even proposed the year preceding, still falling back upon the prior motion of Lord Sydenham's. Thus the former Government cannot be said to have always accompanied the word with the blow, for they told the West Indians long beforehand to prepare for the blow, as they felt themselves under the necessity of making a general statement that parties must be prepared for a reduction of the Sugar Duties. But we have said nothing more than that which must be notorious—that the Income Tax will expire in the course of next year, and that when it does expire the question of its renewal or discontinuance must be accompanied by the consideration of the Sugar Duties. Therefore, I must contend that the effect of a prospective reduction to a definite amount at a declared period would be totally different, in respect to the dealings in the commodity affected, from vague, general declarations that next year the subject must be reconsidered. But, Sir, upon another ground that Government cannot acquiesce in the proposition of the hon. Gentleman. We cannot agree to a proposal that there shall be a discriminating duty of 14*s.* in favour of certain species of colonial sugar. I will not now enter into the question whether or not there should be a classification of sugar according to certain processes of manufacture; all I contend for is this—that if this classification be desirable it ought to be universal in its application—that in justice to the consumer, if you classify sugar the produce of foreign countries, you should classify sugar the produce of our Colonies. I am of that opinion, because there is as great a variation in the quality of sugar the produce of your own Colonies as there is in the quality of sugar the produce of foreign countries; and there is as much of injustice in subjecting the coarser description of sugar to a competition with sugar of the highest qualities, each being the produce of our own Colonies, at an equal rate of duty, as there is in subjecting your own sugar to competition at an equal rate of duty with sugar the produce of foreign countries. The inferior classes of colonial will compete with the inferior of other countries. The superior classes of the colonial will enter into competition with the superior classes of foreign countries. I cannot, therefore, admit the justice of making the classification in the case of foreign sugar unless you are prepared to make it equally in the case of our own sugar. And, therefore (if we ever came to that part of the proposal of my hon. Friend), the Government retain their original opinion; and cannot consent to seek an escape from their present difficulties by undertaking to give an increased protection to the West-Indian interests. My opinions, Sir, upon the effect of Sugar Duties are worth very little; they can only be formed upon general reasoning. The effect, for instance, of a prospective reduction of duty can be only estimated by watching the effect of such a measure respecting other commodities. But I have received by post this morning from a high practical authority a strong confirmation of the views I have expressed on this subject—that there is danger in a prospective reduction of duty, and that there is no sufficient ground for a discriminating duty in favour of the "white clayed sugar" of our Colonies. From this letter I will read some extracts:—

"Having been extensively engaged in the sugar trade for the last twenty years, and latterly having 'turned over' nearly 1,000,000*l.* per annum. I venture to submit an opinion. Of course I am in common with all other consumers and dealers, anxious to see the duties on all foreign, more particularly colonial

sugar, reduced as low as possible; but I am quite certain, if the proposition of the hon. Member for Bristol be carried as it stands, it will be most injurious to all parties interested, as well as to the revenue; for no one will deal in an article that is certain to be cheaper in November. I would likewise strongly advise you to place the same extra duty of 4*s.* on the better qualities of colonial sugar which the hon. Gentleman proposes to put on white clayed free-labour sugar, as it is well known that extensive refineries have been recently erected near Calcutta and other places, for the purpose of making a fine sugar very nearly equal to the refined, but just so much under it as to be admitted at the other rate of duty. And this has so far already superseded the use of the refined, or lump sugar, that in Scotland none other hardly is bought. And this fine crystallized sugar is made in Demerara, and now sells at 70*s.*, while the brown Muscovado sells at 56*s.* duty paid."

Now, observe the brown Muscovado selling at 56*s.* is exposed to competition with sugar of our own Colonies, worth 70*s.*, at exactly the same rate of duty. The produce of those processes of manufacture, the result of the application of capital, are brought into our market in competition with the ordinary produce of the West-India Colonists at the same rate of duty. You propose to make no distinction there. But you do propose the discrimination in respect to foreign, which you do not admit as to your own sugar. Why, if this very fine sugar, worth 70*s.* is admitted at the same rate of duty as that worth only 56*s.*, should not the same rule be adopted in the case of the sugar of Java and Manilla? Why should not the finer description of sugars the produce of Java and Manilla compete with our fine sugars at a 10*s.* discriminating duty, in the same way as the coarser kind of our sugar, of the value of 56*s.*, comes into competition with the foreign article? These are the grounds on which Her Majesty's Government do not think it would be just to vote for the discriminating duty in favour of clayed sugar proposed in the Resolution of my hon. Friend, which gives a protecting duty of 14*s.* We cannot, therefore, assent to the proposal of my hon. Friend, because we entertain, after reconsideration, a decided preference in favour of our own plan. We do not think the measure which he proposes is one which ought to receive the assent of the House, and it is not, therefore, in our power to vote for it on its merits. Sir, I do not hesitate to admit that, differing as we do from my hon. Friend on the merits of his proposition, there are also political grounds which make it impossible for me, on the part of the Government, to undertake the responsibility of supporting him. It was said that no very material difference existed between the proposal of Her Majesty's Government and that of my hon. Friend; that in respect to one class of sugar he proposed the same amount of protecting duty, and that, therefore, we might without difficulty adopt the Amendment of my hon. Friend. If it be a matter of unimportance we are disinclined to adopt it. It was carried by a combination of those who generally support us with those who are our political opponents. If the measure, I repeat, be an unimportant one, in proportion to its unimportance, is it significant of a want of confidence in our Administration? ["No, no."] If you can effect a great public object, that is a reason for proposing an alteration in the plan of the Government; but if you cannot effect any important object, —if there be no great difference in the value of the two propositions, then I say the concurrence between our political opponents and our political Friends has a bearing on our position as the Executive Government of this Empire. It does in our opinion require us to resist it by all the means in our power, and if acquiesced in by us, it would be an encouragement of similar combinations. I do not believe, Sir—I cannot believe, that the concurrence in that vote was a casual occurrence, arising out of our debate on the subject. I may be wrong, but my impression is, that it was a preconcerted arrangement between some of those who oppose and some of those who support us. When my hon. Friend—of course a word from him would be sufficient to destroy this delusion in my mind, if delusion it be, but I will tell him why I believe the vote was the result of a concert between some of those who support and some of those who oppose us, — I am not complaining. [*Laughter.*] No, but I have a right to observe upon such a combination. I do not deny the right of hon. Gentlemen, if they think fit, to enter into such combination. I do not condescend to deprecate such a proceeding; but I think I have a right to consider what bearing the result has upon the position of the Government, when I am determining whether I will acquiesce in an unim-

portant proposition, as an Amendment to a plan of the Government, carried by a combination such as I have alluded to. I am not, I repeat, denying the right of the two parties so to combine. Into that I enter not. But I claim for myself the right—and I mean to exercise it!—the right of determining what effect, upon my position as a Minister of the Crown, my acquiescence in the arrangement proposed would produce. Sir, when my hon. Friend originally gave notice of his Amendment, it was to this effect—that he should propose a reduction of duty on British colonial sugar, to the amount of 20*s.* My hon. Friend indicated no intention at that time, to reduce the duty on foreign sugar from 34*s.* to 30*s.*; consequently, according to the original notice of my hon. Friend, the amount of protection for all sugar was 14*s.* The noble Lord the Member for the City of London had then made a Motion which proposed only a protecting duty of 10*s.* on all foreign sugars—namely, 24*s.* and 34*s.*; and my hon. Friend, it afterwards appeared, amended his proposition, and took as the amount of protecting duty for all sugars not 14*s.* but 10*s.* That was the proposal made by my hon. Friend. My hon. Friend said, that after he had made his proposal the West-India body, being somewhat alarmed by my hon. Friend indicating the amount of protection which he thought sufficient, had quarrelled with him for not taking a higher amount of protection than 10*s.*; and, fearing that the expression of the opinion of the West-India body, as represented by my hon. Friend, might be hereafter quoted against them, my hon. Friend was induced to alter his plan, alleging that the forms of the House prevented him from establishing a greater distinction in the discriminating duty. Sir, my hon. Friend is quite wrong on that point, because nothing could have been more easy for my hon. Friend—if it had suited his views and those of all his supporters—than to have adhered to his original proposition of establishing a duty of 14*s.*, which he could have done in perfect conformity with the orders of the House, and with no probability of being checked by your vigilance, he might have contrived so to have shaped his Motion that he might have established his protection to the amount of 14*s.*, and thus have avoided the risk of embarrassment of which he professed such apprehension. But my hon. Friend being invited to state whether he could make any relaxation in that part of his proposal which referred to the duty on "white clayed" sugar, I think intimated that he was not prepared to exercise any discretion on the subject, and that he was determined to adhere to the diminished duty of 10*s.* on the one hand, and the increased protection of 14*s.* on the other. Sir, I am not inclined, I hope, to be mortified, or to complain of the language used in the course of debate with respect to us, who, as Ministers, have to endure with silence, if not with patience, the harshest expressions. I cannot, however, altogether forget the terms in which my hon. Friends the Mover and Seconder of the Amendment recommended it to the consideration of the House. Without feeling the slightest ill temper, I am only remarking on the bearing which the proceedings have upon the position of the Government. My hon. Friend said we had indicated an intention to "sacrifice" the colonial interests; and the first proof he adduced of this was our abolition of the duty on the importation of wool, by which, he said, though it did not interfere with the home produce, we had struck a blow at the Australian interests. I have the satisfaction of stating to my hon. Friend, that since the abolition of the duty on foreign wool there has been a considerable sale of Australian wool, which took place, I think, three or four days since; and I have been assured by an hon. Gentleman, who sits on that (the Opposition) side of the House, that there never was a brisker sale of Australian wool; and that the rise in the price of such wool, since the reduction of the duty on foreign wool, as compared with the price of Australian wool before the reduction, was greater within the same period than had almost ever been known. So that my hon. Friend must give up his argument as to the blow inflicted on our Australian Colonies. Then my hon. Friend said, we had now "thrown off the mask," naturally attempting to induce the Agriculturists to co-operate with him in revising the Sugar Duties. Then, my hon. Friend made a distinct appeal to the noble Lord opposite, declaring he was prepared to combine with him for the purpose of rescuing the Colonists from the evils with which they were threatened by Her Majesty's Government—making the appeal to

the noble Lord with the knowledge that the noble Lord was prepared to abolish all discriminations in duty between foreign sugar and colonial. Again the hon. Member for Inverness improved upon my hon. Friend, declaring our course "vacillating and tortuous," and that the West-Indian interests "could have no confidence in our intentions." He, also, made an appeal to the hon. Gentleman opposite for the support which they apparently willingly conceded. But, further, and which is more important, and there are occasions on which the most perfect frankness should be shown—the hon. Members did, I think, intimate that in their opinion the distinction should no longer be made between free and slave-grown foreign sugar. Sir, these are occasions on which one must speak with perfect unreserve. What are the reasons which induce me—be the consequences what they may—to decline acquiescing in the proposal of my hon. Friend? My hon. Friend did, I think, say that certificates of origin would be no security against fraud. If my hon. Friend was justified in the observations which he made, I think there would be for him scarcely any alternative but the admission of all foreign sugar at an equal rate of duty, or the maintenance intact of the present monopoly. My hon. Friend is of opinion, and regards this as a radical defect in our plan, that certificates of origin offer no security against fraud. If that be so I cannot see how he escapes the conclusion that all foreign sugars ought to be admitted indiscriminately, or that, in order to avert that calamity, we ought to maintain the existing law. The hon. Member who seconded my hon. Friend I think expressed himself in still more decisive terms as to the impolicy of maintaining a distinction between free-labour and slave-grown sugar. My hon. Friend I understand to give an opinion that he would prefer the free admission of all sugars, accompanied, perhaps, with an increased amount of protection to the admission of free-labour sugar, at the amount of protection proposed by Her Majesty's Government. To exemplify what I mean, I understand my hon. Friend to prefer a protective duty, the amount I will assume only for the purpose of exemplification—that my hon. Friend is of opinion that a protecting duty of 15*s.* to be applied to all sugars would be preferable to the 10*s.* duty proposed by the Government. In the course of the speeches of the two hon. Members there appears a material difference of opinion with regard to principle; between these two hon. Gentlemen and those of whom they are the organs and the Government, and the Government are determined that they would not be authorised in carrying such intentions into effect. That expression of opinion is an additional reason with Her Majesty's Government for surmising that in point of principle, as far as slave-grown sugar is concerned, there is a difference of opinion, and on that account they feel increased objection to adopt the proposition of my hon. Friend. Under these circumstances the course which Her Majesty's Government propose to pursue is this:—The noble Lord opposite (Viscount Howick) towards the close of the debate the other night invited the hon. Gentleman to join with him in excluding certain words, stating, and stating very truly, that the adoption of his suggestion would not bind any one to support the particular proposal of the hon. Gentleman. That if this Motion were successful those who had supported it might make any proposal they should think fit as an amendment to the proposal of my hon. Friend. I am sure the noble Lord would not wish to exclude Her Majesty's Government from the exercise of the same privilege. The noble Lord made his appeal to the House with his usual tact, and it was successful. He pointed out what would be the effect of the Amendment, and he said that voting for it did not bind any hon. Member to the proposition of the hon. Member for Bristol, but that he was perfectly at liberty to move any other amendment he thought proper. For the purpose of giving the House an opportunity of reconsidering the subject and of determining whether any weight attaches to the reasons I have stated to the House to-night, it is the intention of the Government not to accede to the proposition of my hon. Friend. When the Motion is made—if my hon. Friend does make it, that 20*s.* shall be inserted as the amount of duty to take effect from the 10th of November, 1844,—I propose on that occasion to move, and to take the sense of the House on it, that 24*s.* be inserted; that is to say, there shall be no reduction of the duty on British colonial sugar. I shall not propose that motion merely because we believe it to be preferable to the other, but because that in carrying a measure

this year on the subject of the Sugar Duties, it is important as indicative of your intentions next year that the producers of sugar in countries to the eastward of the Cape should know what will be their fate in the course of the next Session with respect to the Sugar Duties. We do not intend to propose at any time the admission of slave-labour sugar on the same footing on which we propose to admit sugar the produce of free-labour. It may be said, "Why then don't you abandon your measure altogether, and propose a continuance, of the existing duties until the usual period, or ending some period in the course of the next Session?" I will state to the House why we do not adopt that course. Suppose we did adopt that alternative,—in the course of the next Session, if we were instrusted with the Government, it might be our duty to make a proposal on the subject of the Sugar Duties. That proposal would, of course, involve a reduction of the duties on free-labour sugar. It might involve a considerable reduction of the duty on British colonial, and a corresponding reduction of the duty upon sugar the produce of free-labour. But, observe, if no previous notice had been given, and if you still required certificates of origin as the condition for the admission of free-labour sugar—observe the condition in which we are placed in approaching the consideration of the Sugar Duties without previous notice, or without any steps having been taken by Parliament. [*Interruption, a general cry of* "Order."] I am aware that the question is a very complicated and uninteresting one; but it is so much the more necessary that the House should grant me its kind attention, in order that they should comprehend the motives by which we have been actuated. If we had merely continued the existing Sugar Duties till next year, and that next year we proposed to deal extensively with the general question of sugar, in what position should we be? The noble Lord would certainly be relieved from any difficulty; for he would admit sugar from all countries, and his proposition would at once take effect. But we, in our opinion of the policy and justice of discriminating between the two classes of free-grown and slave-labour sugar, should have to choose between two alternatives, either immediately to reduce the duty on British colonial to a considerable extent—and observe, in that case, what we should do—we should establish a monopoly in the British market for British colonial sugar for several months, because we should have to wait for a certificate of origin before we could admit foreign sugar. Let us assume that in the course of a certain time (and I merely put the matter hypothetically), that we proposed a reduction of the duty on British plantation sugar to the amount of 16*s*., unless we could open some sources of competing supply, the British colonial producer would have a monopoly in the British market with that reduced amount of duty, and in fact he might fix any sum he pleased. If, on the other hand, we took up the course which would insure us a competing supply of sugar, and that we made the reduction perspective in its effect, say, at the end of eight or nine months, the consequence would be, that the arrangement would be open to all the objections of the Motion of my hon. Friend; it would be fixing a definite day for the duty to take effect, and the more we reduce the amount, the more we diminish the market and prevent a regular supply. On that ground I am not prepared to adopt the alternative of continuing the present Sugar Duties, because that would materially interfere with the general principle which we mean to pursue. I have thus, Sir, endeavoured to state as fully and as clearly as I could the course which Her Majesty's Government intend to pursue, and the motives which induce them to take it; but I am not, and cannot be, insensible to the position in which we have been placed, as far as concerns the progress in general legislation. I cannot help feeling that we have proposed measures, in the course both of last Session and the present, in respect to which that progress had not been made which we think might have been made, and which not having been made leaves us certainly in no enviable position. I do not pretend to blame either side of the House for this; but the fact cannot be denied. We must, therefore, consequently expect the same results at the close of the present Session which were witnessed at the end of the last, namely, that we had presented measures connected with the internal policy of the Government to the consideration of Parliament, and had not been successful in obtaining its consent. We cannot, also, conceal from ourselves, that, in respect to some of

the measures we have proposed, and which have been supported, they have not met with that cordial assent and agreement from those for whose character and opinions we entertain the highest and sincerest respect. But I am bound to say, speaking here of them with perfect respect, that we cannot invite their co-operation and support upon the present occasion by holding out expectations that we shall take a middle or another course with regard to those measures which we believe to be best for the interests of the country and consistent with justice. We must continue to propose and to support those measures. Nevertheless, we regret that our measures have not been deemed entitled to support; and we deeply regret the forfeiture of that confidence which is necessary for the credit of a Government, and which has not been so exemplified upon the Motion of my hon. Friend as it should be; not that there should be a servile acquiescence in all our plans, nor that we should receive indiscriminate support, but, at least, there should be given to us [ability to proceed with those measures of Legislation which we believe important to the public good. Our business should be to maintain and protect the great existing interests of the country, at the same time administering in them such improvements as we think compatible with their maintenance and necessary for the purpose of insuring their general efficiency. We have thought it desirable to relax the system of commercial protection, and admit into competition with articles of the domestic produce of this country, articles from foreign lands. We have attempted to counsel the enforcement of principles which we believe to be founded in truth, with every regard for existing institutions, and every precaution to prevent embarrassment and undue alarm, and we feel it necessary to maintain the laws which preceding Parliaments have passed, and we will not conceal that in respect to our ecclesiastical institutions, our intentions appear to have been defeated in the House of Lords in regard to one measure, which, though it may be considered an isolated one, is still a very important one. But, though I cannot conceal all this, I shall deeply regret it, if we have forfeited the confidence of those who have given us so truly and honourably their support. But I cannot ask for it by encouraging expectations which we are not prepared to realize. We think the course we took the right one; that a gradual, safe, and circumspect relaxation of the Sugar Duties, which would have prevented undue competition in the domestic produce of this country, was the best. We cannot profess any repentance; we cannot declare our conversion to a different principle. We are prepared to abide by the engagements we have made and the principles we profess; and the same course of gradual improvement is the course we must continue to pursue; and I think it necessary to make this declaration at a period when important consequences may be the result of the ultimate decision of the House on the subject.

Lord *J. Russell* said—the right hon. Gentleman in the course of his speech has brought under the consideration of the House other topics besides that involved in the Motion immediately before the House. He has invited remarks and discussion upon matters of great political interest, upon which, being so invited, I cannot forbear making a few remarks. [*Confusion—Cries of* "Bar, bar,"—*Calls of* "Order."] What the right hon. Gentleman proposes is to revert to the decision of Friday last, and he said truly enough that, according to the statement made by my noble Friend on that occasion, it was competent for him, by the forms of the House, to move any Amendment or alteration in the terms of the Resolution before us. But it does so happen, that what the right hon. Gentleman proposes is no other than to reassert and establish the proposition which was rejected by the House on Friday night. The right hon. Gentleman proposes that the present duties upon sugar, so far as relates to sugar the produce of British colonial possessions, shall continue as they have been heretofore. He proposes also that the accustomed duties upon foreign sugars the produce of slave labour shall be continued, and then he proposes a duty of 34*s.* in regard to foreign sugars produced in free-labour states. This, in fact, is the very proposition which was brought before the House on Friday last by the right hon. Gentleman, and which the House decided not to agree to; and this proposition the right hon. Gentleman now calls upon the House, reversing its former decision, to affirm. It is not for me to estimate the value of the right hon. Gentleman's continuance at the head of the Administration of this country, but harder terms, as the price of such retention of service, I think have not been pro-

posed to this House for centuries past. It appears to me that, according to the statement of the right hon. Gentleman, there is no measure of Government, not an isolated measure of finance or of legislation, upon which he is not prepared to say, "let us as a Government frame our propositions as we think fit, it is your duty to acquiesce in them; and if by any chance any of you, taking an independent view of the circumstances of the country, should have come to a different conclusion upon the matter in hand, we will ask you to retract the vote which you may have given in obedience to these views—to deny that which you have affirmed, and exhibit yourselves to the country as a most degraded and slavish assembly." This, and no other, is the proposition which the right hon. Gentleman offers to the House, and this is a proposition which I, for one, am not prepared to admit. I am not one of those who rank with the supporters of Her Majesty's Government; and therefore it is not likely that I should be compelled by this threat to change any line of conduct which I may have thought necessary to adopt in regard to their measures. It is for those who support Her Majesty's Government to consider whether they meant in giving their support, that all free will upon every subject whatever, was surrendered to the right hon. Gentleman—and be it remembered, because, as he has touched upon these topics, I have a right to follow him upon them—surrendered not according to any known principles to which they assented when they voted to place him in office, but according to principles which in many respects are the reverse of those they assent to. The right hon. Gentleman said, some years ago, that he would be of great advantage to his party from his caution; and by levelling sarcasms against the doctrines of political economy advocated by some of the most illustrious authorities on that subject, led many gentlemen to think that they had found in the right hon. Gentleman the determined opponent of the principles of free trade supported by the late Ministry. Now, however, the right hon. Gentleman calls upon his accustomed supporters to support him, not upon the principles which he then enunciated, but upon new and strange doctrines, which those very gentlemen protested against upon the hustings, and upon which, nevertheless, they are now called upon to reverse all their former declarations—to abandon all the convictions of their mind. So far as the supporters of the Government are concerned, therefore, I think I may say that never were harder terms proposed to any Gentlemen than those now imposed by the right hon. Baronet on his supporters. But the right hon. Gentleman complains that this opposition has been the effect of political combinations between some of his own supporters and some of those in the Opposition. Now, as to this, I shall at all times be perfectly willing, and so I am sure would my right hon. Friend near me, to enter into political intercourse and co-operation in regard to any one particular subject on which we might be agreed in opinion, even with persons to whose opinions generally I am opposed. But what are the facts of this combination, so denounced by the right hon. Gentleman in the present case? My right hon. Friend told me, some days ago, that the hon. Member for Bristol had given notice of a resolution in regard to the Sugar Duties, and asked me to look at it. I did so; my information on the subject being derived from the votes of the House; and I there found that the hon. Member for Bristol proposed to reduce colonial sugar to 20*s.* without any other propositions. Seeing this, I wrote to my right hon. Friend, and said that the proposition was of such a nature that I could not give it my support. When the subject of the Sugar Duties came on for discussion, my right hon. Friend stated in the House—such was the secret nature of the conspiracy of which the right hon. Gentleman complained—my right hon. Friend stated in the House, and with a tolerably loud voice, that if the proposition of Her Majesty's Government had been to reduce the duty on Colonial sugar to 20*s.* and that upon other sugars to 30*s.*, he thought it would be one to which we should be ready to give our support. Of course this anouncement could not be kept a secret from the hon. Member for Bristol, and acting upon it, the hon. Member did alter his Motion, and having done so, announced as I understood him, in this House, that he had endeavoured to frame his resolution so as to have regard for the interests of the West-India body, and at the same time to be likely to obtain support in this House. It was then that my right hon. Friend gave his support to the hon. Gentleman's Motion; and this, and no other, was the combination of political friends and opponents in this case, which the right hon. Gentleman so strongly denounced. With regard to the proposed duty of 34*s.*, I am not aware

that any one on this side of the House is bound to support it, and the right hon. Gentleman will have to give some explanation on the subject when we come to it. But the combination of political opponents of which the right hon. Gentleman complains, is not the only combination which this question has given rise to. There are some hon. Gentlemen who sit on this side of the House, have declared that they will vote for the right hon. Gentleman's proposition, and on Friday actually did so, and I am glad to see, impracticable as they have been called, that they are so practical in the hands of the right hon. Baronet, because having voted against my proposition for discriminating duties of 34*s.* and 24*s.* some nights ago, they now vote for the proposition of the right hon. Gentleman, for duties of 63*s.* and 24*s.* respectively, on foreign and British Colonial sugars. Whether they think that this is actual free trade, or that it is the best way of undermining the principle of protection, and gradually arriving at what these Gentlemen wish-namely, the total abolition of all restrictive duties, it is not for me to say, or explain. But as to political combinations, I think, as I have said before, that we have as much to complain of as the right hon. Gentleman opposite, and that there are combinations in his favour as well as against him. With regard to the early part of the right hon. Gentleman's speech, I must say that it appears to me to have contained a great deal of matter which was not at all necessary. I do not now wish to renew the discussion on my proposition, to get rid of the distinction between free-labour and slave-labour sugar; though I still believe my proposition preferable to that of the right hon. Gentleman, and that it is gaining ground in public opinion. I believe that the distinction proposed by the right hon. Gentleman is one which cannot be carried into effect; I will not follow the right hon. Baronet into his discussion about the Income-tax, but with regard to the proposition of the right hon. Gentleman, I cannot see any reason why he should not have brought it forward at an earlier period of the Session, so as to give more time for its consideration by this House. The Three-and-a-Half per Cents. question was settled in March last, and there was nothing in the way at any time afterwards to prevent the taking in hand of this question if it was considered of importance. The right hon. Gentleman said that several important measures required the attention of Her Majesty's Government. The Bank Charter is doubtless a subject of great and immediate importance, but considered relatively to the importance of these great subjects of finance, I really think the Ecclesiastical Courts Bill, and the Irish Registration Bill might have been conveniently postponed to 1845. I think that it would have been much better if Her Majesty's Government had turned all their attention during the present Session to these great matters of finance, in order to have brought them to a uniform practical completion. The right hon. Gentleman urged the disadvantage which would result from making a prospective reduction in these duties. Now, I must say that I do not see that anything has been shown to lead me to believe that such prospective reduction would be more injurious in operation when applied to foreign sugars the produce of free labour, than to British Colonial sugars. The right hon. Gentleman, the Chancellor of the Exchequer, in arguing this question the other night, put the proposed reduction of duty on colonial sugar on these grounds; he said that no person would be disposed to buy because he would be waiting for the period when the proposed reduction in the duty should commence; but when he came to the consideration of his own proposition he said that every one would be ready to sell in order to get rid of the article before any further reduction would be made in it. So that it appears by the right hon. Gentleman's argument, this prospective reduction would be beneficial in his own case, but injurious in that of another. Now, with respect to a very important part of the subject, I wish to say a few words. I own it appears to me a fair proposition that the raw article should not be subject to competition with the same article in a manufactured state, at exactly the same rate of duty. I own that, in fairness, it seems that some distinction of this kind ought to be made; but if this distinction were made in regard to foreign sugars, it ought also in regard to colonial sugars. It appears that such was the opinion of Mr. Deacon Hume, and such was also the opinion of Mr. Gladstone. Mr. Gladstone proposed an additional charge of 5*s.* upon colonial clayed sugars, and 7*s.* 6*d.* upon foreign. That principle was acted on in Holland; and I shall be glad to hear from the hon. Member for Bristol why, if it is thought necessary to introduce a duty of 34*s.* on foreign white clayed sugar, there should be any objection to have the principle applied to colonial sugar similarly re-

fined. But that, however, is a matter of detail. What the right hon. Gentleman now proposes to the House is, that they should agree to a proposition which the other evening they rejected — that they should positively affirm that to be expedient which the other night they declared to be inexpedient—and this rescinding of this vote of the House of Commons is to take place quite as much upon political grounds as upon the value of the commercial principles involved in the question itself. The right hon. Baronet declares that it is necessary that he should have the confidence of his usual supporters, in order to show that they are ready to go with him in the measures which the Government think proper to propose. If those Gentlemen vote with the right hon. Gentleman on the present occasion, it will indeed be, as I have said before, a melancholy proof of their own subserviency. This question has been fully argued. The proposition of the right hon. Baronet and the proposition of the hon. Member were both discussed, and after that discussion, by a majority of twenty votes in a full House the Committee divided against the proposition of the right hon. Gentleman. I, Sir, can see no reason why any Gentleman should change his vote upon the present occasion; and if the right hon. Gentleman tells me that if he had yielded at once to a majority as upon some other occasions, he felt that he should not have been doing his duty to the country, whose service he had undertaken—let me tell those who voted against the right hon. Gentleman in the present matter, that if they now agree to the proposition of the right hon. Gentleman, there will be other propositions upon which he will treat them with the same disregard, meeting their opposition in the same overbearing manner as on the present occasion. Let them depend upon it that if they now yield their opinions at his commands, however important they may consider themselves as a majority in the House of Commons, their opinions and their votes will hereafter be of no weight. The right hon. Gentleman, being assured of their co-operation in whatever propositions he may make, or however he may frame them, those hon. Gentlemen will find, when it is impossible to retreat from the position into which they have been driven, that their independence is gone, once and for ever.

Mr. *P. Miles*: Sir, I trust I shall not be considered as trespassing upon the time of this Committee by making a few observations on the present occasion. My right hon. Friend at the head of Her Majesty's Government has said that there was some conspiracy existing between hon. Members on this side of the House and those on the opposite side. Now, Sir, I beg to deny this *in toto*. The noble Lord, the Member for London, has correctly stated the reasons why I altered the Motion of which I originally had given notice. It is quite true that I gave notice of my intention to move for a reduction in the duty from 24*s*. to 20*s*. on sugar the produce of our colonial possessions. In the first debate that took place on this question, the Chancellor of the Exchequer asked me how I hoped to permanently maintain that proposition. In the same debate, the right hon. Gentleman, the Member for Taunton, (Mr. Labouchere) threw out a proposition, to the effect that he would support the reduction as far as the 20*s*. and the 30*s*. duties went, but he seemed to say that he was not inclined to support the discriminating duty. We also took into consideration the fact that the noble Lord, the Member for London, had in 1841 proposed a discriminating duty of 6*s*. on certain refined sugars. I hope the Government will give the West-India body credit for having gone to them on several occasions, and having told them that they considered their measure in the present state of the West-India Colonies would amount to nothing short of ruin; inasmuch as they had postponed the measure for promoting the immigration of the Hill Coolie Labourers. The Government had, however, refused to listen to their application, or to anything they could say on the subject. For that reason they had framed the Measure which they now support, and which they calculated would have the effect of giving a larger protection to the West-Indian interest than that proposed by the Government. I heard, I confess, with much regret the declaration of the right hon. Baronet—namely, that he intended to persevere in his Bill, notwithstanding the late decision of the House. Sir, I thought that Her Majesty's Government would be fully justified in paying a due deference to the majority of this House, and that they would at all events have postponed their proposition to another Session. I hoped that the right hon. Baronet would not have placed a large body of his supporters on this side of the House in the painful position of either continuing their opposition to the Government, or of with-

drawing themselves from the House. I have undertaken the responsibility of advocating the cause of the West-India body, and I do not intend to shrink from it now. I can only say in addition, that I shall certainly take the sense of the House on the Amendment which I have proposed. A question has been put to me by the noble Lord opposite (Lord J. Russell) about the discriminating duty. I can answer for the West-India body, that they have no objection whatever to a discriminating duty on colonial sugar, but I believe that this proposition would not be satisfactory to the East-India interest. I do not, however, like to desert hon. Gentlemen who are in the same position as ourselves upon this subject. I have no objection to a discriminating duty of 4*s*. I now, Sir, move that the words which have been placed in your hands be inserted.

For the hon. Member's Amendment *see previous speech.*

Question put,

Sir *R. Peel*: I now propose that the words "the cwt. 1*l*. (in respect of sugar the growth of any British possessions in America, and imported from thence) be left out in order that the words "the cwt. 1*l*. 4*s*." be inserted.

Mr. *Greene* (the Chairman) apprehended that the course would be this. The words proposed to be inserted were an Amendment upon an Amendment, which might be yet further amended before the Committee finally decided. He would therefore read the words, and the Committee would proceed to amend them as he went on, and having fixed upon the words it might be proposed to substitute, the question it would be his duty to put would be, that the words proposed to be left out stand part of the question.

Viscount *Howick* wished to know whether it would be competent, when the words fixing the amount of duty should be filled up, for any hon. Gentleman to move any alteration in the date from which the Bill proposing the new duties should take effect, inasmuch as a serious question would arise as to the retention of the words the 10th of November.

Mr. *Greene* apprehended the course would be to amend the Amendment as they went on. After any words should be passed by the Committee it would not then be competent to alter them.

Mr. *Bernal* said, there were two important considerations to which he wished to direct the attention of the Committee. He doubted whether in a Committee on a fiscal measure, that Committee having once determined that a certain proposed duty of 24*s*. should not be imposed, they were at liberty again to consider any proposition for the imposition of that amount of duty. He knew of no precedent for such a course. He could not recall any case to his mind in which such a course had been adopted, and he confessed he had wanted the energy and industry to search for precedents. This was a fiscal Committee, which went to impose annually certain duties upon the public at large. The present Committee was a continuance of the Committee of Ways and Means, by which the imposition of certain duties was authorized. On the previous sitting of the Committee the proposition for a duty of 24*s*. per cwt. on colonial sugar had been proposed and rejected. The Committee rejected this proposition, and now, when a Motion was brought forward to reduce the annual charge on the public by the substitution of a lower duty, it was proposed to be held competent for them again to entertain the proposition for the higher duty which they had already negatived. That was one consideration which he wished to submit. The second, though also material, was merely a question in point of form. He apprehended that the proposal for the 20*s*. duty should have been put first, as being the lower duty. He meant no disrespect to the Chair, but he thought, that according to the usual practice, the higher duty could not be put, until the question as to the imposition of the lower duty had been decided. These, he apprehended, were two points which must be decided before the Committee went into any further argument.

Mr. *Greene* agreed in some measure with what had fallen from the hon. Member. His own opinion was, that within the terms upon which the Committee of Ways and Means was appointed, all that was done was to resolve upon imposing certain duties upon certain articles, towards providing the means for the public expenditure; but when the amount of that duty came to be considered, it was always competent for the Committee to vary any sums that might be proposed, within certain limits. He should now put the question, that the words "one pound" stand part of the question."

Sir *R. Peel* was at issue with the hon.

Gentleman as to the point of form. In the Committee of Ways and Means the House had affirmed a resolution within which his proposition came; but, supposing the hon. Member to be right, the Committee was no more limited by the 24*s.* duty on colonial sugar than the 63*s.* on foreign sugar, and it would be as competent still to negative or affirm the one as the other.

Mr. *Hume* apprehended there could be no doubt that the Government proposition had been rejected as a whole.

Mr. *Roebuck* considered that that made all the difference. It was the whole that was rejected as a whole, but he apprehended they were at liberty afterwards to accept any part of that whole.

Sir *G. Grey* said, at all events, the proposition of the right hon. Baronet was partially to restore that which the Committee had decided against. He wished to know whether, if the vote should be carried as he now proposed on colonial sugar, the adoption of the same rate of duty on foreign sugar that was negatived on the former night, would be altered in that respect?

Sir *R. Peel* replied that, should the House affirm the 24*s.* duty on colonial sugar, it was certainly his intention to move that the same amount of duty on foreign sugar should be inserted as had been originally proposed by the Government.

Question put, that the word "one pound stand part of the question.

Mr. *B. Cochrane* rose to state the grounds upon which he felt that on that occasion he could not support the Government. As he understood the matter, it was now intended by the Government indirectly to put the question again upon which they had been defeated upon a former evening, and, in point of fact, to repeat the course which had been taken on the Factory Bill. Now, he could not help thinking that there was something more of respect due to the declared opinions and decisions of that House, and that it was too much to call upon its Members to reverse their own decisions, and to affirm that one night which they had rejected on another. In his view, the question had ceased to be one of Sugar Duties—it was now a question of the independence of the House of Commons—a question involving its character and dignity as a legislative assembly—a question involving also the personal honour of every one of its Members. Under those circumstances painful as it was to his personal feeling, he felt that he could not, as an independent Member of that House, go with the Government in rescinding the resolution of the former evening. He had thought it right thus briefly to explain his views of the case, and the reasons why he could not support the Government on this occasion by voting with them.

Mr. *Kemble* had been touched by the kindness and consideration evinced by the noble Lord the Member for London, for the consistency of the supporters of Her Majesty's Ministers; but he felt that there were occasions in which they could not go to the full length of the noble Lord's idea of consistency, and as on this occasion it was his intention to support the right hon. Baronet, he was anxious to say a few words in justification of his vote. He trusted he was as independent and as incapable of following the dictates of the Government, in opposition to his own convictions as any man in the House. On two or three very important questions, on one of which—the Factory Bill—the right hon. Baronet had declared he would resign if he did not succeed, he had felt it his duty to vote against those Ministers whose general policy he supported, and whom he was at all times, consistently with his duty as an independent Member, anxious to support. He was not, on this occasion, about to alter his vote and take a course different from that which he had taken on a previous evening, as he understood some hon. Members were. The hon. Gentleman who last spoke had evinced his consistency and his independence of Ministers by turning round now upon the vote he gave for the good of the country on the previous evening ["No, no,"] and votes the direct contrary way ["No, no."] If he had misunderstood the hon. Member he begged his pardon. He had no hesitation in saying that he objected both to the proposition of the Government and that of the hon. Member for Bristol, and that was the reason he had absented himself from the division on Friday night. But the question now was, whether the duty on colonial sugar should be reduced to 20*s.*; and against that proposition he had no hesitation in voting. His objection to the Government proposal was, that it was unjust to the West-India interest. A reduction of 4*s.* a cwt. on the duty on

Colonial sugar was not the means to give substantial relief to the West-Indian interest, or be of material benefit to the consumer. He thought the financial question involved in the proposed reduction of duties was by no means unimportant. He was not aware of the right hon. Baronet's intentions as to the Property Tax; but by the Act of Parliament under which this tax was imposed, it would expire unless renewed in three years from its commencement; then, if not before, the financial condition of the country must be looked boldly in the face, and then he thought would be the fitting time to decide whether the property tax should be continued, and other duties reduced or removed, or whether it would be more desirable to abolish the Property Tax, and continue the other duties. If, however, they reduced the sugar duty by 4*s.* a cwt., and made reductions, perhaps, in other duties, he feared they would not be in a condition fairly to consider the whole financial question previous to the expiration of the present Property Tax, as intended. For these reasons, though objecting to the Government plan he had felt he could not vote for the proposed reduction of 4*s.* Looking at the great difficulties which the West India interest had so long and still experienced, in obtaining labour to cultivate their estates, and seeing that no measure had been yet introduced to facilitate the introduction of labourers into those colonies, he (Mr. Kemble) thought this, of all periods, was the most improper to interfere with them.

Mr. *Warburton* said, the character given of the amendment, as compared to the Government proposition was, that it was calculated to give the greater amount of protection to the West-India interest, and that was the ground upon which he had on the former evening opposed it; and though on the present occasion, it would be more agreeable to his feelings to vote with those hon. Gentlemen with whom he generally acted, he could not, in consistency, take any other course than that of confirming his former vote. If the hon. Member for Bristol (Mr. Miles) was prepared to alter his Amendment, making the duty 20*s.* on Colonial, and 30*s.* on foreign sugars, without any further qualification, he (Mr. Warburton) would vote with him; but if not, he should oppose him upon the grounds he himself had put, that his measure would give more protection to the West-India interest than the Government measure.

Sir *Howard Douglas* was desirous of saying a few words in explanation of the Vote he was about to give. After having maturely considered the Measure proposed by Her Majesty's Government, believing that it would be greatly injurious to the British West-India, and Colonial interests, he had voted against that Measure. But he did not approve, and therefore could not support, the Amendment of the hon. Member for Bristol; because he (Sir Howard) did not think it provided adequate protection or security, as a remedial Measure, for the prejudicial effects which that proposed by Her Majesty's Government was likely to produce; and because by voting for that Amendment, he would be committed to some propositions and admissions to which he was opposed. For these reasons he (Sir Howard) had come to the resolution to vote against both propositions, previous to the discussion of either; and he might appeal to friends around him, and to the hon. Member for Bristol himself, whether he (Sir Howard) had not made this intention known. By negativing both propositions, he (Sir Howard) would keep himself in a position free to go into the discussion of that large question, for the settlement of the Sugar Duties, in a more permanent and beneficial manner to all parties, to which the attention of the House must be called in the next Session of Parliament.

Mr. *Labouchere* wished to remind the Committee that they were discussing now not only the important question of the Sugar Duties, but the still more important question as to how far the course the House should adopt might affect its own character with the public. He was not one of those who thought a government would not, under some circumstances, be justified in asking the House to reconsider a previous vote, and to retract a Resolution which it had hastily and unadvisedly adopted. He remembered very well that he had himself supported Lord Althorp when he proposed to the House to reconsider the decision it had come to in regard to the Malt Tax; and he had, in like manner, on a very recent occasion, supported the right hon. Baronet opposite (Sir R. Peel) when he asked the House to reconsider and rescind its vote on the Factory Bill. He approved of the course which the House had adopted on both those occasions; but those were great and important

questions, and his fear as to the consequence of the House taking a similar course now was founded upon the grounds on which the right hon. Baronet had himself placed the vote. The right hon. Baronet had told them that, after all, the difference between the two propositions was not important—that the question was not of first-rate magnitude—and he found in this unimportance of the question additional reasons for asking the House to adhere to its former vote; because, it not being a Motion of importance in itself, it became a Motion of confidence. The language of the right hon. Baronet was such as no Minister had a right to address to the House of Commons. Mr. Pitt had never used such even in the plenitude of his power, and he hoped that those hon. Gentlemen who cared for the character of that House, and the confidence of the public in its proceedings as the mainstay of the Constitution—he hoped they would be careful how, by their votes that night, they impaired that confidence, and lowered the character of the House in the country. With regard to the question of the Sugar Duties, he had stated so fully his views on a former occasion that he had no desire to detain the House by repeating them now. He preferred, of the two propositions before the Committee, that of the hon. Member for Bristol, as being more advantageous to the consumer than that of the Government, and as establishing the valuable principle—that if they could, consistently with the interests of revenue, they should, simultaneously with any reduction in the duty on foreign sugar, reduce the duty on Colonial sugar. At the same time he must again say, that he did not consider the plan of the hon. Member for Bristol perfect, nor did he pledge himself to the whole of it if the House should entertain it. If they admitted the principle of a scale of duties as to the different qualities in regard to foreign sugar, he did not see why this should not have a scale also as to different qualities of Colonial sugar; and if the Amendment of the hon. Gentleman should succeed, and no other hon. Gentleman did, he should move that a duty of 24*s.* a cwt. be levied on the fine and highly manufactured sugar coming from our own Colonies, as distinguished from brown or Muscovado sugar, in the same way as the hon. Member proposed to apply the duty of 34*s.* on the white clayed sugar coming from foreign countries. This distinctive scale was no new question with many hon. Gentlemen. Mr. Deacon Hume was strongly of opinion that such a difference should be made. With regard to the Government proposition, he could not understand how any man professing the principles of free-trade could vote for it. He saw his hon. Friend the Member for Stockport smiled. His hon. Friend claimed to be a practical man, and he gave his hon. Friend credit generally for being so; but he had thought it most unfortunate for his hon. Friend's character as a free-trader, and a practical man, when he heard him declare on Friday last his intention of voting for the Government plan —not on its own merits, but on the merits of another and entirely different proposition. If his hon. Friend voted for the reduction to 20*s.*, that would not deprive him of the opportunity of afterwards voting for the abolition of that which was his objection to the proposal of the hon. Member for Bristol. He wished to offer one word upon the charge of conspiracy which had been brought by the right hon. Baronet, and in which he had been mixed up. Now his connection with that conspiracy was simply this: he was at a great distance from London when the hon. Member for Bristol gave notice of his Amendment, and the first intimation he received of it reached him in Somersetshire. He immediately wrote to his noble Friend (Lord John Russell) to say, that as he understood the Amendment to propose a duty of 20s. on Colonial sugar and 30*s.* on foreign, he thought they ought to support it. That was all the share he had had in this conspiracy, as it was called; and when he arrived in town, his noble Friend's note reached him, explaining the Amendment as it really was. He had stated his view upon this point when the Sugar Duties were mentioned on a previous evening, and he supposed that had given rise to the charge of conspiracy. He believed the proposal of the hon. Member for Bristol, especially if qualified as he suggested, would in effect, be most beneficial to the British Colonies, and benefit them too in the most legitimate and fair way, because it would at the same time be most beneficial to the British consumer by lowering the price of sugar in this country, and by bringing the article more extensively into consumption. He did not envy the West-India interest any advantage they could fairly enjoy, provided it was not opposed to the interests of the great body of the people. He had paid close attention to the speech of the right hon. Baronet; but was not convinced that it would not have been

a more wise and expedient course, had the right hon. Baronet anticipated the discussion which must take place next year, and having made up his mind to continue the Income Tax for three years longer—as he believed the right hon. Gentleman had, had called upon the House to consider, together with the Sugar Duties, the whole question of financial policy. He, for one, should deeply regret the reversal of the decision the House had come to on Friday night, because that would lower the respect and confidence of the people of England in the House of Commons; and though he was aware that the Government was supported by a large majority in that House, he hoped there soon would come a time when no majority of the House of Commons would support a Government on such terms, and in such a manner as the right hon. Baronet had declared he considered essential to his continuance in office.

Sir *R. Peel* said, the right hon. Gentleman who had just sat down, and another hon. Gentleman who had spoken, had imputed to him the use of a word which he had not uttered—the word conspiracy. That word he had not used. The words he did make use of were these—that the Government had been defeated not by a casual concurrence of opinion taking place in the course of the debate, but in consequence of a combination between Gentlemen of opposite opinions that had been entered into with previous consent. The word conspiracy, he repeated, he had never used.

Mr. *Disraeli*: Sir, I was not present during the eventful debate of the other evening, and, therefore, not having heard of the movement that has been made, nor of "the conspiracy" that has been entered into, I own I am not without astonishment at what has transpired. I was not a little lost in wonder when I heard it said on Saturday and to-day, on the authority, as it would seem, of persons who had grounds for disseminating the Report, that we were to come down to this House this afternoon to witness the resignation of the right hon. Baronet at the head of the Government. I congratulate the Ministry —of course, I congratulate the country—that instead of resigning an Administration the right hon. Gentleman has only moved an Amendment. Sir, there has been an allusion to a case which is said to be analogous to the present—the case, I mean, of Lord Althorp, who, when Chancellor of the Exchequer, asked the House to reconsider a vote it had come to upon the subject of the malt tax. I was not in the House at the time; but I have read and heard of the proceeding, and I know that it was held by men of both sides to be a remarkable case—a case, the occurrence of which was attributed to the inexperience of a reconstructed assembly and of Gentlemen not very learned in the ways of Parliament. The vote on that occasion was generally felt, I believe, to be inevitable; but, at the same time, it was felt to be a vote that was distressing, if not damaging, to the character of all parties in the House; and it was a vote, I believe, which the Members of both the Government and the Opposition felt to be only justified by the extremest exigency. Several years have elapsed since that case occurred: it was left for the era of the present "Conservative" Administration—it was left for our own experience—to witness a state of public affairs too analogous. Twice within the present Session have the Ministry been driven to resort to the precedent of this "case of extreme emergency." About a month ago this House was called upon to rescind a Resolution on a subject of the deepest interest to the great body of the nation; and, for the first time since the malt tax vote, this House submitted to that process, which was previously regarded with so much distrust, and only submitted to from such overbearing necessity. I cannot help thinking, Sir, that some mysterious influence must be at work to place us, within a month, in precisely the same position, and to put us before the country under circumstances which, I believe, no one in this House, whether he be on this side or the Opposition side, can describe as other than degrading. It may be that the right hon. Gentleman will retain power by subjecting us to this stern process; but I should mistake the right hon. Gentleman's character if I were to suppose that he could greatly value a power which is only to be retained by means so extraordinary—I doubt whether I may not say, by means so unconstitutional. I think the right hon. Gentleman should deign to consult a little more the feelings of his supporters. I do not think he ought to drag them unreasonably through the mire. He has already once this Session made them repeal a solemn decision at which they had arrived, and now he comes down again and says, unless you rescind another important Resolution, I will no longer take upon myself the responsibility of conducting affairs. Now, I

really think to rescind one vote during the Session is enough. I don't think in reason we ought to be called on to endure this degradation more than once a year. That should be prevented. The right hon. Baronet should introduce some Parliamentary tariff for the regulation of our disapproval. The Government ought to tell us to what point we might go—thus far and no farther: there are the bounds within which you are to enjoy your Parliamentary independence; but the moment you pass them you must submit to public disgrace, or we must submit to private life. Now, this is not the most agreeable way of conducting the affairs of the country; it is not the most constitutional. I remember in 1841, when the right hon. Baronet supported the Motion of the noble Lord the Member for Liverpool, he used these words, he said, "I have never joined in the anti-slavery cry; and now I will not join in the cry of cheap sugar." Two years have elapsed, and the right hon. Gentleman has joined in the anti-slavery cry, and has adopted the cry of cheap sugar. But it seems that the right hon. Baronet's horror of slavery extends to every place except the Benches behind him. There the gang is still assembled, and there the thong of the whip still sounds. Whatever may be the anti-slavery repugnance of the right hon. Gentleman, his distaste would seem not to extend to this House. If the whip were less sparing here, his conduct would be more consistent with his professions. After the vote of the other night became known and its consequences were in some degree contemplated, there were various rumours in circulation that the Ministers had resigned, and those reports I certainly cannot but consider proceeded from some who were authorized to circulate them; but it now appears from the right hon. Gentleman's declaration that it is not he or his Colleagues who are to resign their offices, but we, the majority of the House of Commons, who are to resign our votes, and the country at large is to see the Representatives of the people again disgraced as they were on a former occasion during the present Session. That is the point to which I think it important to direct attention. We are called upon to rescind our votes a second time, and more than that, we are called upon to do so under circumstances so peculiar, that no man whatever can entertain a doubt as to the personal distress, and even disgrace, which will be entailed upon him by his participation in such a proceeding. It will be far better for the House, ay, Sir, and far better for the right hon. Gentleman at the head of Her Majesty's Government, that such a system as this should no longer prevail. I say that the right hon. Gentleman is deserving of a far better position in the eye of the country than one which he can only maintain by menacing his friends, and by using the arts of persuasion with his opponents. The right hon. Gentleman menaces us, and deals out threats to keep us to our allegiance to him; whilst he lavishes those arts of persuasion, for which he has acquired so just a celebrity, upon those who form what he has chosen to term a combination, if not a conspiracy, against him. The right hon. Gentleman came into power upon the strength of our votes, but he would rely for the permanence of his Ministry upon his political opponents. He may be right—he may even be to a certain degree successful in pursuing the line of conduct which he has adopted, menacing his friends and cringing to his opponents, but I for one am disposed to look upon it as a success neither tending to the honour of the House nor to his own credit. I, therefore, for one, must be excused if I declare my determination to give my vote upon this occasion as I did in the former instance; and as I do not follow the example of the hon. and gallant Member near me (Sir H. Douglas) it will not subject me to the imputation of having voted on the former occasion without thought or purpose. It only remains for me to declare, after the mysterious hint which fell from the right hon. Baronet in the course of his speech, that if I, in common with other hon. Members, am called upon to appear again upon the hustings, I shall at least not be ashamed to do so, nor shall I feel that I have weakened my claims upon the confidence of my constituents by not changing my vote within forty-eight hours at the menace of a Minister.

Sir *H. Douglas* in explanation, begged to say, that he had changed no purpose on the present occasion, nor had he swerved from the vote which he had from the first intended to give on the hon. Member for Bristol's Amendment. He had voted against the proposition of the Government on Friday night, because he did not approve of it, and he had openly stated his intention, to vote against the proposition now before the Committee, if it should be brought forward. That course had been pursued by the hon. Member for Bristol,

and he should feel himself called upon to act as he had prescribed, and to vote against the Amendment.

Viscount *Sandon* confirmed the statement of his hon. and gallant Colleague with respect to the determination which he had formed as to his vote on the Amendment before the Committee. For himself, he had frankly declared that he was in favour of the proposition, and should therefore vote for it; but it was not fair to taunt his hon. and gallant Friend with inconsistency in opposing the duty of 20*s.*, when it was clear that his motives in so doing were perfectly conscientious. With regard to his own vote, he should give it in favour of the hon. Member for Bristol, not because that proposition was altogether devoid of objection, but because it was a manifest improvement upon the present state of the Sugar Duties; and he regretted very much that the Government could not consistently with its views of policy adopt that modified duty. He believed that the reduction of the duty on colonial sugar from 24*s.* to 20*s.* would be of very considerable advantage to the community, more particularly when it came in combination with the other changes in the price of necessaries. With respect to the objection urged by the right hon. Gentleman the Chancellor of the Exchequer, on the score of the loss which would be occasioned thereby to the revenue, which he estimated at 400,000*l.*, he did not consider that that was worthy of one moment's thought. He must, however, express his conviction that it would not be a fair proceeding to put the fine clayed sugars upon the same footing in respect of duty with the coarse brown Muscovados, for there was a vast difference in the cost of preparing them, and likewise very considerable difference in the prices at which they were sold to the consumers. As to the general aspect of the Ministry, he must take that opportunity for expressing the deep and sincere attachment which he felt towards the Government of his right hon. Friend, than whom there was no man more able or better fitted to hold the reins of power. He regretted, therefore, the present dilemma the more deeply, not so much on account of the particular questions before the House, but because of the doctrines which his right hon. Friend had laid down for the guidance of his supporters. The right hon. Baronet had laid it down as an essential and prominent feature in his present and future scheme of Government, that there was no occasion on which, when he found himself in a minority in that House, he should not consider that circumstance as indicative of a want of confidence, and as equivalent to a vote of that nature. The right hon. Baronet had declared his determination to view all such occurrences in a similar light, and to estimate them all at the same rate of importance, whether the question at issue was great or small, whether it related to a Bishopric more or less in Wales, or whether sugar was to be admitted at 4*s.* less duty than he thought should be imposed upon it. [Sir *R. Peel:* "No, no."] He begged his right hon. Friend's pardon, but so he had understood the general tenor of that part of his right hon. Friend's speech; and it was with extreme regret he had heard him declare that whoever did not vote with him upon all occasions he could consider in no other light than as having thereby tacitly given a vote indicating a want of confidence in him. Such a system of Government had never yet been tried in this country; and if he had not determined upon taking the course with respect to the Motion before the Committee which he intended to do, he should not have felt satisfied; for neither the present Cabinet, nor any other Government could be permanently carried on upon such principles. Notwithstanding, therefore, he was an habitual and a firm supporter of the right hon. Gentleman's Administration, he was resolved that nothing should hinder him from voting as an independent Member of that House and supporting the Amendment of the hon. Member for Bristol. At the same time, he begged the Government not to exaggerate the difficulties of the situation in which they found themselves placed, nor to despond in consequence of a momentary and passing reverse. By giving full and fair scope to the productions of the East and West India Colonies, by encouraging the enterprise of the West India proprietors, and by giving them reason to believe in the stability of their position, Ministers would give that stimulus to the investment of capital, and to the improvements introduced by the modern inventions in the art of making sugar, without which there could be no competition with the other sugar-producing Colonies, maintained by the British

cultivators of that great staple, and in the observance of which the country would be reduced to the frightful alternative of being obliged, after all her exertions, to have recourse to slave-produced sugar.

Mr. *Sheil* rose to say a very few words on the question before the Committee. He certainly should not follow the example of the hon. Gentleman upon the other side, who had spoken with much more unkindness of Government than he would be inclined to do. As to the noble Lord who had spoken last, he seemed to treat the Ministry as was described by the lines of Pope :—

"Above a patron, though I condescend
"Sometimes to call a Minister my friend."

The right hon. Baronet was mistaken if he thought that the result of Friday night's discussion was produced by a conspiracy or a combination, or that the vote then given was the consequence of any preconcerted or premeditated coalition between those hon. Members who usually supported the Government and hon. Gentlemen on his (Mr. Sheil's) side of the House. The question both on Friday night and on the present occasion was which of the two propositions before the Committee would most certainly have the effect of making sugar cheap. He had looked back into the record of a debate on the question of the Sugar Duties, which took place on the 25th of May, 1829, when Mr. Huskisson no longer formed part of the Cabinet. Mr. Grant brought forward a proposition relative to the Sugar Duties, which he stated had been agreed to by the Cabinet before Mr. Huskisson withdrew from it. That proposition was to reduce the duty on British plantation sugar to 20*s.* per cwt., and on foreign sugars to 28*s.* per cwt. What were the arguments urged by Mr. Huskisson during that debate in support of his views? They were far more favourable to the view taken of the question by the hon. Member for Bristol than that adopted by the Government.

"The question (said Mr. Huskisson) did not bear upon one trade or interest alone; it was, and should only be considered as, a general question. It was as a question of general interest that he had treated it two years ago, when it was proposed to reduce the duties on East-India sugar, and when he promised to take an early opportunity of bringing the whole question before the House. His right hon. Friend the Chancellor of the Exchequer fully agreed with him as to the principle that all the interests involved in the question should be brought under consideration together with a view to their being newly adjusted ; but added, that there was one thing which urged the postponement of such a consideration—namely the interests of the revenue. His right hon. Friend seemed to apprehend that the proposed reduction would lessen the revenue annually by 500,000*l.*"

Almost the same amount that was stated by the present right hon. Gentleman who held the same office as likely to be abstracted from the revenue by t adoption of the Motion before the Committee :—

"Arguing (continued Mr. Huskisson) that because the revenue derived from the Sugar Duties amounted now to 5,000,000*l.* it should always be 5,000,000*l.* Now, he contended, that the increased consumption consequent upon that reduction, and the increased life which would be given to the commercial and shipping interests, by the opening of new channels of trade, would benefit the public at large far more than it could possibly injure the revenue."

Mr. Huskisson then proceeded to touch upon the point of cheapness, and of the importance of rendering such a vital commodity as attainable as possible to the poor.

"With respect to the benefit which a reduced price would confer upon the working classes, a simple statement would place the subject before the Committee in a striking light. In consequence of the present enormous duty on sugar, the working man with a large family, to whom pence were serious considerations, was denied the use of that commodity. He believed that two-thirds of the poorer consumers of coffee drank that beverage without sugar. If, then, the price of sugar were reduced, it would become an article of his consumption, with many other articles which he now used from their cheap price, and which he was formerly unable to purchase. This was the principle that regulated the amount of consumption. When spirits had become cheaper than beer the former were consumed ? so of cotton and other commodities, now from their low prices in general worn as the clothing of the working classes."

Now, if the Committee were to try the proposition before it by the standard laid down in 1829 by Mr. Huskisson, there was conclusive evidence of what that sagacious Statesman thought of the matter; and indeed there could be little or no question but that the increased consumption of sugar which would immediately ensue on any material reduction in its

price would more than counterbalance the loss which the sacrifice of a portion of the duty would occasion to the revenue.

The *Chancellor of the Exchequer* could not admit that the arguments used by Mr. Huskisson in 1829 were at all applicable to the present state of the Sugar Duty question. The period referred to by the right hon. Member was one when it was proposed to reduce the duty on British Colonial sugar to 20*s.*, and on Foreign sugar to 28*s.*, without distinction as to its being the produce of free or slave labour, a matter at present of vital importance; and it was obvious that if the demand for sugar became suddenly increased by lowering its price and rendering it attainable to a large body of consumers, it would be necessary to provide for the supply of that increased demand by admitting all foreign sugars without further delay. This, however, could not be done consistently with the view taken by the House with respect to maintaining a permanent distinction between free-labour and slave-produced sugar—and as it had been determined upon that certificates of free-labour sugar should invariably accompany cargoes of sugar admitted from Foreign Colonies into English ports, the right hon. Gentleman must, of necessity, be aware that those ports whence the free-labour sugar was shipped were at a great distance, that time must be allowed to get a supply of sugar ready to meet the increased demand; for it could not be expected that they would be able to throw all the sugar required for consumption here into the market immediately or at once. If by immediately reducing the duty a supply of sugar *ad libitum* upon demand would follow, there might be no such inconvenience as he apprehended to be guarded against; but such a result could not be calculated on with safety or prudence, and that was the answer which he had to make to the observation of the right hon. Member for Taunton. That right hon. Gentleman had stated, that Ministers ought to have announced their intention to prolong the duration of the Income Tax for three years, and to have accompanied that declaration by a large reduction in the Sugar Duties. What would have been the consequence of such a proceeding? If the demand for the commodity had been suddenly increased, the quantity required would have been far beyond that which it was in the power of the holders to furnish; and if this reduction of duty were accompanied, as it would necessarily be, by a differential duty between free-labour and slave sugar then, there was at once created a monopoly in favour of free-labour and British Colonial sugar, which, owing to the paucity of the supply of the former, would necessarily increase the price of the article, and render it less accessible to the poorer classes. Under these circumstances it was necessary that the Government should give notice to those countries where free-labour sugar was produced of the premeditated reduction in the duty, in order that they might be prepared with their produce and their certificates of origin, and thus send it to this country in time to meet the demand that would be then created; and this was one reason why the Government was not prepared to reduce the duty on sugar during the present year, as required by the right hon. Gentleman the Member for Taunton. The Ministry had been told, on both sides of the House, that it was improper to call upon the Committee to rescind its vote of a former evening, and that by so doing the House was degrading itself in the eyes of the country. To such an argument, he paid but little attention. If such were to be the result, of what use, might he ask, were the various forms intended to cause delay and allow time for consideration and revision which were imposed upon all measures carried through Parliament? Those forms rendered it necessary for every measure to be brought repeatedly under the consideration of the House, for the express purpose of affording opportunities for amending, altering, rescinding, and frequently of changing altogether its clauses and provisions, and with the express view of enabling the House to correct in a succeeding stage any error into which it might have previously fallen. The hon. Member for Shrewsbury afforded an instance, which was not unusual, of the inconvenience of Members voting on questions without having heard the arguments which had been urged on either side with respect to them. He did not think it unreasonable to suppose that if the hon. Member had heard the debate on Friday, he might have come to a conclusion very different from that which the hon. Member had stated it to be his intention to act upon? He had, however, said nothing to change his opinion that there was nothing in the constitution or practice of Parliament which prohibited the House from forming a second decision upon any subject submitted

to its consideration. The right hon. Gentleman the Member for Taunton admitted that on a former occasion this had been done in a signal manner—that upon the subject of the malt tax the House had been called upon by the then Chancellor of the Exchequer to reconsider the question—not during the progress of a Bill, but immediately after having affirmed a distinct and substantive resolution. But the right hon. Gentleman considered that to be a justifiable departure from the rules of the House. Who was it that undertook to decide what was, and what was not, a justifiable departure? What was to be the question upon which a Parliament was to pass its verdict only once—which it never was to reopen, never to reconsider? From the commencement of this discussion the Government had held that it was important to take no step with respect to the Sugar Duties which could tend to give encouragement to the slave trade or which could prevent the amelioration of slavery, and if, with regard to matters of such consequence, they thought the House had come to an erroneous decision, surely it was only their duty to call for another vote, and if they thought the decision such as affected the confidence which a Government ought to possess in that House, to call upon the House to express an opinion so decided as to leave no doubt of the course the Government should pursue. It was the more necessary that such a step should be taken upon the present occasion, because hints were thrown out that confidence in the present Government was withdrawn; indeed, the hon. Member for Shrewsbury had indulged in remarks which might lead people out of doors to believe that that Government obtained very little of the confidence of many, who professed to give it a general support. He must say to that Gentleman that he (Mr. Goulburn) seldom heard a speech addressed to those who administered the affairs of this country, to those who, in point of rank and station, were his (Mr. Disraeli's) equals—at least in the consideration of the country—which contained expressions so derogatory to their character, and were so calculated if not intended to hurt the feelings of those to whom those expressions were addressed. He (Mr. Goulburn) thought the hon. Gentleman the Member for Shrewsbury was the last man to express opinions of that kind, or to denounce the practice of the Government as unlike the practice of any antecedent period; making it a uniform rule to be hostile to their Friends, and cringing (that was the word) to their enemies. Speaking thus of the Government—he was the last person that should entertain any doubt as to the amount of confidence reposed in them by at least some of their supporters. The question before the House was, whether it was expedient to reduce the Sugar Duties by the small amount of 4*s.* in 24*s.* To suppose that that reduction would give immediate relief to the consumer was quite at variance with the mode in which the reduction was to be made. The reduction was not to be made until the month of November, and arguing from every precedent in which the reduction of a duty was postponed to a future period, the effect would be diminution in the consumption which would injure the revenue without affording relief to the consumer. And even when November had arrived, and the proposed reduction had taken effect, consumers could derive no benefit from the arrangement, for in consequence of the necessary delay which must occur before the supplies of free sugar from Java and Manilla could be introduced into the market, consumers would find a material impediment to their enjoyment of any advantage, owing to the monopoly of the market which the British producer would enjoy from November at least till February. During that interval those who were in the market would transfer to themselves the difference of duty, which would be lost to the revenue, and not gained by the consumer. It had been said, "What could be the inconvenience of making so small a reduction in the revenue as 500,000*l.* when you have so large a surplus? That argument applied to every possible reduction of duty within the limit of 500,000*l.* He considered the proposed reduction as one that would be productive of evil, and should therefore resist the proposition of the hon. Member for Bristol. And whether it should be the pleasure of the House to confirm or reject the proposition of the Government, he should continue to be satisfied that the course he had taken on this question was the one best calculated to ensure the general interest of the country, as involved in the joint interest of the consumer and producer.

Mr. *P. M. Stewart* said, that notwithstanding the consolation which the noble Lord the Member for Liverpool had given to the East-India interest, he must say that of all the sufferings to which the

West Indian interest had ever been exposed, this was really one of the severest. Various grounds had been assigned for the Government proposition, which had created great sensation throughout the country, and had occasioned much derangement and stagnation in the Colonial markets, but not one of those grounds were sufficient. The right hon. the Chancellor of the Exchequer had talked of a deficiency in the supply of sugar, but in September, 1843, there was a surplus supply of 43,000 tons which was somewhat more than had been estimated A noble Lord opposite, had, on a former occasion, entered into calculations to show that we had a certain supply of 260,000 tons annually of free-labour produce which was more than sufficient for our wants, and argued from that the impropriety of admitting slave-grown sugar, The right hon. the President of the Board of Trade seemed not aware the other night that the whole produce of Java was of forced labour He would now supply some authentic information respecting the labour of Java to show that it was unmitigated slavery from beginning to end. The hon. Member read a statement of which the following is a copy:—

"Land is held in Java on lease, either from the Dutch government or native princes, for twenty-five years; rent very low—two years previous produce, *i. e.*, two years' wood or two years' rice. The lease conveys services of natives—living upon estate, and who receive one-half of former produce in payment of their labour, *i. e.*, one-half of what the land produced viz., rice, wood, &c. The exportable produce of Java, is raised by forced labour by the Dutch government. In 1838 the governor enforced a system of 'prescribed cultivation,' and forced deliveries of produce, under which sugar increased twenty-five times in ten years. The order of the governor directs that inhabitants of villages be 'brought' to cultivate the lands. For every bouw (one and a half acres) a man must be appointed to labour, and to be relieved by three other men, so that one of the four shall always be at work. The harvest and manufacture are managed in the same way. Labourers are 'appointed' to relieve one another till the work is done. A sugar plantation of four hundred acres requires four hundred men daily, for which service 1,600 are 'appointed,' who relieve each other.

For cutting canes ('appointed') .	320
Carriage, &c., (appointed') . .	280
Wood cutters (fuel) . , .	40
Mill-workers, and boiling . .	200
	840
Householders ('appointed') .	2,520

Who may free themselves by paying seven and a half guilders each. The county divided into communes of villages, under resident, sub-resident, regents, controllers, native officers, all allowed share of 'forced deliveries' and of the gross produce of their residency, regency, commune, &c. They are thus vigilant over work done, and they get rich very rapidly."

This showed that the produce of Java was a forced produce, but still he did not mean to say that Java sugar should be excluded on that ground. The main point, however, at the present moment was, whether there would not be a deficiency in the supply of sugar, but he could apprehend no such result. The average price of sugar was now 34*s.* 1*d.*, a price lower than any that occurred during the last six years and it appeared that the stock on hand was 43,000 tons. This, he thought, was sufficient proof that there were no grounds for apprehending a deficiency in the supply, and such was the uncertainty that existed with regard to the duties on West-India produce generally, that the quantity of sugar brought into consumption up to the present period was less by 7,000 tons than it had been this time last year. The market was, owing to the uncertainty that existed, in a perfectly stagnant state, and he strongly suspected, if he could see the mind of the right hon. Baronet, that the right hon. Baronet would have been glad if he had abstained from the introduction of this Bill during the present Session. By the introduction of the measure they had produced derangement in the markets at home, and distrust in the Colonies, and he thought this was not the way in which to treat a great interest, especially after the statement of the right hon. Gentleman the President of the Board of Trade. The right hon. Gentleman, after telling the West-Indian interest that they were to lose their property, informed them, by way of consolation, that they were only in a state of "transition;" that they were to take this measure only that they might have a new Bill next year. Why, was that the way to arrive at a settlement—the only thing by which he believed the West-Indian

interest could profit? Was it not rather adding insult to injury? Was it not making the colonial interest the stalking horse to the ulterior measures of the Administration? The right hon. Gentleman would let us see the effect of the Tariff before we arrived at a settlement. Why, they had not waited to see the effect of the Tariff with regard to coffee. It was only a day or two ago that they had altered the duty upon that article, and had inflicted greater injury upon certain parties than he (Mr. Stewart) cared now to speak of. Then they said, "Oh, but wait till the Bank question is settled; wait till half a hundred other matters are adjusted." Why, were these the sort of grounds upon which they were to nibble away the rights of the West-India proprietors — creating delays which were fatal, and avoiding a settlement which was just? Better far would it be to leave the whole question where it was until they came to a final decision. As for the question immediately before them, he felt little doubt but that, for the sake of every interest concerned, the proposition of the hon. Member for Bristol was infinitely preferable to that of the Government. He had held that opinion on Friday, and he thought the Government had very little improved their position by their "explanation" of that evening. The hon. Member for Manchester had talked the other night about the free-traders falling into a trap, but he would have acted more wisely had he followed the example of the "Trappists," and held his tongue. Why the Government should be so tenacious of inducing the House to undo that which they did on Friday night, he was at a loss to conceive, unless it were for the sake of that additional revenue which their proposition would give them, and to which they were not entitled from such an article as sugar. Considering, then, the state of the finances of the country, he should vote for the Motion of the hon. Member for Bristol; and he was quite sure that very many who were wide awake to the interests of the consumers and the prosperity of the Colonists—whose interests were, as was suggested by the hon. Member for Kendal, in a somewhat sarcastic manner, identified with each other,—would think that they ought not to be put in jeopardy by such an unusual course as was now adopted by Her Majesty's Ministers.

Mr. *Entwisle* said, he wished to explain the course he took the other night, and he took that course from a sense of duty, although it pained him to be compelled to vote against any measures of the present Ministers, whom he did not hesitate to avow he was sent there to support. The course he adopted he took in deference to principle, and to the principle of giving fair protection to the labour of all British subjects he should adhere to. That, in fact, was the principle on which the contest in which he had lately been engaged was fought, and he should not desert it now. Whether the Government measure as regarded the West Indies was fair, he would not undertake to pronounce; but, at the same time, Ministers themselves had admitted that the protection proposed to be given was hardly equivalent to the necessity of the times. He thought there existed a great necessity for the immigration of labour into the West Indies. Without additional labour it was impossible that the proprietors could cultivate their estates, so as to compete with the producers of foreign free-grown or slave-labour sugar, and, until an immigration of labour took place, he thought even a larger share of protection should be given to the West-India planters. Whether that was the intention or not, it appeared to be the question which they ought to consider, and in support of this he could refer to what had fallen from the right hon. Chancellor of the Exchequer on Friday night. The right hon. Gentleman said, that they might have proposed a better scale of protection for free-labour sugar, and one that would be more likely to be permanent, though no such assurance was given, but that they could have proposed none which would be more advantageous to the planters than the Government scale which was not likely to be lowered, and this was confirmed by the right hon. Gentleman the President of the Board of Trade. These expressions led to an inference that the duties were not to be touched until after an immigration of labour had taken place to the Colonies, and it was because there was an insufficiency of labour, and that they were in a state of transition, that he supported protection and dissented from the Government measure. It was on this ground that he had voted for the Amendment of the hon. Member for Bristol, and he thought that without reference to the question of permanency,

they were, under existing circumstances, called on to give an increased degree of protection to the West Indies. The protection proposed by the Government was not sufficient, and would do injury to the Colonies; but, without knowing whether they would be successful in struggling through their difficulties, his reason for recording his vote as he had done was, because he thought the Colonies would be directly injured, and that if the produce of the Colonies were reduced, the demand for foreign free and slave-labour sugar would be increased. That was the consequence which he apprehended, and which had induced the vote which he had given. With respect to the effect which might be produced on the revenue, that was a subject on which he would not enter, but this he would say, that whatever might be the effect on the revenue, he thought that until the West Indies were provided with a proper supply of labour they were entitled to protection. He had now explained the reasons which had induced him to vote against the Government measure, and having recorded his vote on the ground that the protection proposed to be given was not adequate to the necessity, he could only say that he could not associate his vote with the votes of some of the hon. Gentlemen opposite, because he did not consider that in their hands the West-Indian interests would be safe for a single hour. He did not believe that the interests of the West Indies would be safe in the hands of some of the hon. Gentlemen opposite, and therefore he should decline to register his vote.

Mr. *Escott* said, it appeared to him that there was a great difficulty in this discussion, which was this—how did those hon. Gentlemen who supported the Motion of the Member for Bristol reconcile an increased supply of sugar by diminished duty to the people of this country with an increased protection of the West-India planters, which protection means an increase of duty? He had never heard one Gentleman attempt to reconcile that difficulty. He had heard the hon. Gentleman, the Member for Renfrewshire, argue in one part of his speech in favour of increased protection to the West-India interests, and in another part in favour of the increased supply of sugar to the people of England, and he wished the hon. Gentleman to explain how this measure would effect both these objects. If the hon. Gentleman had argued for protection to the West-India interest on the ground that he consented to limit the supply of sugar to the people of this country, then he could understand the argument, and he thought he could meet it; or if the hon. Gentleman argued for an increased supply here and threw over a part of the protection which the West-India interest had hitherto enjoyed, he could understand that too; but he wished the hon. Member for Bristol, or some of his supporters, would state on what intelligible principles and on what ground they voted for this Motion; they had not attempted it. He had on a former evening asked the hon. Member for Bristol how he proposed to assist the West-India interests by his Motion, but he had given him no answer. Nor had any hon. Gentleman on either side of the House ventured to argue that this Motion would help the West-India interests out of their present difficulties; difficulties be it remembered which had grown up under absolute prohibition. Nor indeed were they at all agreed on the relative amount of protection given by the two measures—it was merely for some imaginary advantage that the West Indians were to rally under the noble Lord. And then the whole House, if it repented of this folly, was to bear the brunt of the noble Lord's indignation. He had heard thrown out in three extraordinary speeches—he meant the speech of the noble Lord, the Member for London, the speech of the hon. Member for Bridport, and last, but better than the two others, the speech of the hon. Member for Shrewsbury—insinuations, which, if they meant anything, inculpated the character of the whole House. ["No, no."] He thought they did—he thought he heard it stated by the noble Lord, and by each of the hon. Members, that the House of Commons was accustomed to forget its pledges and principles to support the right hon. Baronet in office. He had no such opinion of the House of Commons—he thought they had not forgotten their principles, but that the principles of the party to which their majority belonged were better represented in that House by the right hon. Baronet than by the two hon. Gentlemen and the noble Lord. He thought, too, there were no pledges given to the people of England at the last election, to support such a trumpery measure as this fractional differential duty on sugar. The two hon. Gentlemen and the noble Lord might have given a pledge, but the majority of the House had not done so. And when

the hon. Member for Bridport said that the cause which produced this evil state of things in the country, was Parliament voting one thing one night, and another thing another night, allow him to tell the hon. Gentleman what really produced such a state of things was, that there were some hon. Members upon that side of the House whom the right hon. Baronet had preceded in political science and State economy. That was the fact, and when the hon. Gentleman charged the right hon. Gentleman with saying that he would resign office, or dissolve Parliament, he would say that he, for one, was ready to meet any contingency, and that he believed the right hon. Baronet would strengthen his position, if he adopted either of those two courses, for he thought the country was with him. He believed that the Conservative people of England were not attached to those antiquated prejudices in favour of monopoly as some hon. Members would imply; but whilst they were not attached to those monopolies they were not inclined immediately to abolish all protection where protection had been given. They wished to go on gradually in the work of improvement, because they could do it more safely and more effectually by a cautious process. But upon the question immediately before the Committee, he must protest against the course pursued by the hon. Member for Bristol, and those who supported him is equally unjust to their party and inefficient for its purpose. It was just the sort of course which some hon. Members had been in the habit of taking on other questions which they called questions of protection. The hon. Member for Somerset cheered—well he had lately heard that hon. Member argue that the abolition of the Wool Duty was an attack on the farmers, and yet he had said in the very same speech that he thought the farmers would be rather benefitted by the repeal of the duty, and he did not oppose its repeal; the farmers and the West Indians too, would see through these flimsy pretences, and before he sat down he would venture to challenge the Member for Somerset to prove how those who had been ruined under prohibition were to be reinstated in prosperity by the protecting duty of his hon. relative—against that Motion he should give his decided vote as inoperative for any good to the West Indies, and mischievous in its consequences to the country.

Mr. *W. Miles* then rose amidst loud cries for a division, and said that although he was unconnected with the West-India Colonies, yet his nearest and dearest relations were connected with them; but he meant to have given a silent vote had it not been for the allusions of the hon. Member for Winchester. He was surprised that the hon. Gentleman had so far forgotten in the course of two or three years his connexion with the county of Somerset, that he could gulp down all the sentiments he had contended for at two contested elections for the western division of that county. It was not for the hon. Member, he could assure him, to talk of principle. In Somersetshire they would not measure their corn by a Winchester bushel. He therefore was astonished, perfectly astonished to hear the hon. Member taunting other hon. Members with political inconsistency. How the hon. Member could look to hon. Gentlemen by whom he was surrounded and saw how though he must say it was exceedingly at variance with their general public opinion, they had been obliged upon several occasions—ay, obliged—to dissent from that Conservative Government whom they supported when able to do so, and could then turn upon them and at once dispute the honesty of those principles, seemed to him to be the most extraordinary conduct of any political man that he had ever seen in that House. The hon. Member had quietly asked him how protection could benefit the West-India interest and likewise the consumer. [Mr. *Escott*: "No, no!"] If the hon. Member dissented, then the argument was at an end; but he would tell the hon. Member distinctly, let him look to the present duty paid on foreign sugar, 63*s*. What was the Government proposition? To reduce it 29*s*,; but did they reduce a farthing of the duty now paid by West-India sugar? Not one *sou*. That remained at 24*s*., while the duty on foreign sugar was reduced from 63*s*. to 34*s*. If his hon. Friend had only listened to what his hon. relative had stated, when he read the humble memorial of the West-India Legislature, he would then have found they said, and very justly so, that after the noble sacrifice of 20,000,000*l*. made by the people of England, they could never maintain that differential duty between 63*s*. and 24*s*. They always looked to the reduction of the foreign duty; but at the same time they looked for a reduction

which would benefit the consumer, and also to a reduction of the duty on their own produce which would be to their benefit as well as to that of the consumer. But, without going at all into the arguments how that reduction was to be distributed, there was no doubt in his mind that both the West-India interests and the consumer would be benefited by the reduction of 4*s*. This, however, was a protection which he could scarcely understand any hon. Gentleman who upheld protection to agriculture could refuse to the West-Indian interests. Call them monopolists if they would, but the protection which was given by the Corn Laws was a protection because the agriculturists of this country could not compete with the foreign grower, since foreign labour was so much cheaper, and our rates were so much higher than in other countries; and the West-India planters were precisely in the same position, except that here there was sufficient labour and a limit on overplus, whilst in the West Indies there was a deficiency. He cared not if a man with 100,000*l*. went there, in the present state of the Colonies, and was willing to expend the whole in cultivating an estate, he could not get that continuous labour which would afford him a sufficient return; on that account it was that the agriculturist of the West Indies required protection against foreign sugar. These were his reasons for supporting the Motion of his hon. relative, and he was only sorry that the question had been taken up in such a manner by the Government. They said that next year the whole subject would be discussed and put upon a different basis; and that it would not come into the annual votes, but as he understood, into the Tariff; and that having weighed the subject, they would then state their whole proposition, and the House would then dissent or assent to that measure; and on that ground they would not allow to the West or East Indies this poor boon, but were still determined, notwithstanding the contrary and adverse decision of the House, to force upon them their own proposition. He could assure the Government that he held the high Conservative principles they professed; but, at the same time, he reserved to himself the right of exercising his judgment freely and independently. Did the Government conceive that the character of the party would be raised, if those who maintained the same opinions, but who still differed from them on questions of detail, obsequiously followed every move they took? He sincerely hoped that those hon. Gentlemen who constituted the majority by which his hon. relative was supported on Friday night would not forget the duty they owed to themselves, to the country, and to their constituents, but that they would again record their votes in favour of the West-Indian agriculturists.

Mr. *Escott* begged to ask his hon. Friend (Mr. W. Miles), who had charged him with avowing opinions in that House contrary to those he had formerly professed, in justice to him and in justice to his hon. Friend's own character, to state one single instance in which he had ever been guilty of such inconsistency.

Mr. *W. Miles* said, as we understood, that he had gained his knowledge from the public prints; but he believed that his hon. Friend (Mr. Escott) had, in opposing Mr. Sandford, avowed himself the supporter of complete protection.

Mr. *Escott*, No, no.

Viscount *Howick*, I have heard with great satisfaction from the hon. Member for Winchester (Mr. Escott) that the people of England are not disposed to support the antiquated doctrines of monopoly. I felt great pleasure in hearing that hon. Gentleman take credit to himself and to the right hon. Gentlemen on the opposite side for the great proficiency they have made in adopting the principles of political economy, and I trust that when it becomes our duty to discuss the question of the Corn Laws, we shall have, both by their speeches and their votes, undoubted evidence of their improved convictions. My object in rising is to state that it appears to me most extraordinary that the House should be called upon to take so decided a step as that of rescinding its former vote on this question on such grounds as have been urged to-night, because I think that those hon. Members who heard the arguments of the right hon. Baronet (Sir R. Peel) and the Chancellor of the Exchequer, against the proposition of the hon. Member for Bristol, must feel with me that the objections to that proposition—even admitting them to be well founded, which I am far from admitting—are not of a character to warrant our taking such a step as we are now called upon to take by Her Majesty's Government. I conceive that the proposition of the hon. Member for Bristol is most fair, just, and reasonable. No hon. Member of this House,

perhaps, is a more decided opponent of the system of protection than I am. The hon. Member for Kendal rested his resistance to the proposal of the hon. Member for Bristol on the ground that the West India proprietors hailed it as likely to prove advantageous to them. I confess it does not appear to me that this is an adequate ground for refusing my support to the proposition of the hon. Gentleman, because, though I object most decidedly to protection—though I hope the time will come when an equality of duties with regard to foreign and British sugars will be adopted, still I also think that under the present difficulties of our West India Colonies we ought, as far as we can, fairly and justly to do anything in our power to facilitate the cultivation of estates in those colonies. If I understand the proposal of the hon. Member for Bristol correctly, it is this:—The Government have proposed, that with respect to the ordinary descriptions of sugar, British Colonial sugar shall have a protection, as compared with foreign sugar produced by free labour, of 10*s.* per cwt. The hon. Member for Bristol adopts that proposal. He says—"I think it too little, but I accept the proposal; but I ask you, when you are admitting foreign sugar for the first time into competition with West India sugar, so to reduce the duties generally, and thereby so to extend the consumption, that there may be room as well for the foreign sugar you are about to admit, as for the West India sugar which is already in possession of the market." I understand the principle on which the reduction is proposed to be this, that though the nominal amount of protection will be the same—though there will still be a difference of 10*s.* in favour of British sugar—yet, by reducing the duty at which both West India and foreign sugar may be introduced, you will extend the consumption, and not only benefit the consumer but enable the West Indian to carry on a more extensive and advantageous trade. This appears to me a most just and fair proposition. But it is objected that the proposition of the hon. Member for Bristol involves a higher amount of protection than is proposed by the Government, because the hon. Member proposes that, between one description of foreign sugar and British colonial sugar, there shall be a difference in duty of 14*s.* I confess it appears to me that this difficulty would be met most completely by adopting the suggestion of the hon. Member for Taunton—that the superior descriptions of sugar, whether British or foreign, should pay a duty of 4*s.* beyond the amount of duty levied on inferior descriptions. I think if we adopt 30*s.* as the general rate of duty on ordinary descriptions of foreign sugar, the produce of free labour, and 20*s.* as the duty upon British colonial sugar, we shall meet the objection to which I have just alluded most completely by imposing a higher rate of duty to the amount of 4*s.* upon the better descriptions of clayed sugars come from where they may. I am confirmed in this opinion by the observations of the right hon. President of the Board of Trade the other evening. The House will remember that no inconsiderable portion of the speech of that right hon. Gentleman was taken up in showing the injustice of applying the same scale of duties to sugars of different qualities. Now it is well known that there are many different qualities of sugar, both foreign and colonial: and I call upon the right hon. Gentleman to apply his own principle, and to impose a higher rate of duty upon the better descriptions of British and foreign sugar. The right hon. Baronet opposite urged one objection against the proposal of the hon. Member for Bristol, which seemed to me to possess considerable force. The right hon. Baronet told us that, if the operation of the duties was delayed till the 10th of November, instead of any advantage being gained by the consumer or by the revenue, it would be given to those parties who have now stocks of sugar on hand. I admit the force of this objection; but I think it can be met with the greatest ease. What possible objection can there be to make the low rates of duty take effect immediately? Why not bring the measure into operation on the 5th of July, instead of the 10th of November? It is answered by the Government, "We choose to make a distinction between sugar, the produce of slave labour, and the produce of free labour." The right hon. Baronet opposite freely admits that the Government stands alone in the opinion that this course ought to be pursued; and both the West India proprietors and the free traders tell him that certificates of origin will be a mere delusion. But, for the sake of argument, I will admit that the principle of the Government ought to be adopted, that we ought to make a distinction in favour of the produce of free labour, yet I think the difficulty may be met. Why can you not treat Brazil as you treat America? During the remainder of the period for which our treaty with Brazil

remains in force, why not extend to her sugar the benefit of the lower rate of duty? In such case, there is no possibility of your giving encouragement to the Slave Trade; because, on the 10th of November, our Treaty with Brazil expiring, the produce of that country will be subjected to the higher rate of duty as slave-grown sugar. You would then make the change more advantageous to the consumer, more advantageous I believe, to the West India proprietors, and also more productive to the revenue; for you would receive a large amount of revenue from the Brazilian sugar upon which the 30*s.* duty would be charged, and you would give such a spur to consumption by reducing the price that I believe the West India proprietors would not suffer in any degree from the change. Believing the measure of the hon. Member for Bristol to be just and reasonable, I am prepared to support his proposal, thereby imposing a duty, not of 24*s.*, but of 20*s.*, upon British colonial sugar. I do so with a full intention of not assenting to any increase of the protection to colonial sugar. I will vote accordingly either for imposing an extra duty of 4*s.* upon all white-clayed sugar, or for making no distinction in this respect between colonial and foreign sugar. I do hope, notwithstanding what we have heard from one or two hon. Gentlemen to-night, that this House is not prepared to exhibit itself to the country in the light in which it appeared a month or two ago. I do hope we are not going to rescind the decision to which we came the other night. I cannot conceal the astonishment with which I heard, from a Gentleman holding so high a position as the right hon. the Chancellor of the Exchequer, a declaration that the forms of the House, by which Bills go through repeated readings, were intended for this very purpose of enabling us to rescind our decisions. No doubt these forms were intended to prevent surprise; they were intended to prevent the House from coming hastily to a decision which it might afterwards regret. But I ask any hon. Gentleman whether he thinks these forms were adopted with the view of enabling the House to rescind those votes to which it may come upon full information after debate. This is not merely a question of rescinding a vote upon full and fair conviction of its impropriety. That is not what right hon. Gentlemen opposite ask of their supporters. No: they do not ask their supporters to reconsider the decision they have already pronounced; but they ask them, even though they retain the former opinions, for the sake of the Government to rescind that decision. It has been well observed by the noble Lord the Member for Liverpool, that this is indeed a new pretension on the part of a government; and, as it has been forcibly remarked, the pretension amounts to this—that a vote against the Government, upon any matter, whether important or unimportant, is to be considered as involving a withdrawal of the confidence of the House of Commons. As has been remarked by my noble Friend—it must have struck every one who heard the speech of the right hon. Baronet, that he laid great stress upon the fact that, in the opinion of some persons, a vote of this House on a question of this nature is unimportant. "But," said the right hon. Baronet, "If it is unimportant, it marks so much the more strongly your disposition to withdraw your confidence from the Government." The right hon. Baronet told us that, whether the question at issue be such an one as the Factories Bill, whether it be a measure for abolishing a Welsh bishopric, or whether it be a mere fiscal measure—such as Mr. Pitt, in the height of his power, did not refuse to reconsider—when the Government makes a stand, it is the duty of the House to give way, or the Government are justified in relinquishing their office. If that be the case, we may save ourselves a vast deal of trouble by confining our proceedings to an annual vote at the beginning of the Session, expresive of our confidence or want of confidence in Ministers, and having so satisfactorily disposed of that matter we may go quietly to our homes, and leave the Government to exercise their dictatorial power. But we all know that in spite of the threat the Government have held out, it is not in their power to act upon it. When Gentlemen accept the responsibility of taking office under the Crown, they are not to determine for themselves when they will leave it. They incur a responsibility to their country which they cannot avoid; and those public men who shrink from their duty in office for insufficient reasons forfeit for ever their claims upon the confidence and respect of this House, and of the country. We know perfectly well that they may go through the vain form of tendering their resignation to Her Majesty; but they are as well aware as we are, that it is not in their power to carry that resignation into effect upon a question of this nature. They know that upon a mere question of taxa-

tion—a question whether a duty of 4*s.* more or less is to be levied upon sugar—it is utterly impossible for them to relinquish the offices they hold. But the right hon. Baronet has told us that something more lurks behind,—that there is some deeper and less ostensible quarrel at the bottom of this difficulty. I believe that this is the fact. I see symptoms of Her Majesty's Government being supported by a party which does not feel with them upon one important class of public questions—I mean that class of questions which relates to trade and to finance. There are strong symptoms that, on this class of questions, they are not supported by a certain set of Gentlemen opposite; but, let me ask, "What is the cause of this state of things?" It is, undoubtedly, a most unfortunate condition of affairs—one, I will venture to say, neither creditable to the Government nor to this House, that, two or three times during a Session, the Government should be on the point of quitting office, and enabled to retain it only by compelling their supporters, against their convictions, against their conscientious opinions, to rescind a vote—which they have deliberately adopted. This is, undoubtedly, no light evil; but, let me ask, whence has it arisen? In my opinion it had its origin in the circumstances to which my noble Friend the Member for the city of London alluded to-night—that, when hon. Gentlemen on the other side were in Opposition, an impression was undoubtedly created—I do not say that it was wilfully created—not only in this House, but in the country, that they entertained very different views on commercial subjects to those which, when they were invested with the responsibility of power they were found to maintain, or at least were compelled to act on. Now that they are in office it is found—to the surprise of some individuals, though, I confess, not to mine—that the right hon. Gentlemen opposite under the pressure of enlightened public opinion out of doors, which they dare not too openly shock—under the pressure, also, I have no doubt, of their own conscientious feelings as to what the interest of the country demands, avow, as distinctly as we do on this side, the principles of free-trade. They tell us it is the interest of this country to sell in the dearest and to buy in the cheapest markets, without reference to the line of conduct pursued by other nations. They also find themselves compelled to deal with some of the most monstrous abuses of the old system of protection. We know that by doing so they have alienated from them Gentlemen who differ in opinion from them on these subjects. We know that there exists in the minds of those Gentlemen a feeling of disappointment which is scarcely concealed. We know that noble Dukes and right hon. Gentlemen say that they give their votes in favour of the Government, not because they are satisfied with them, but because they are more dissatisfied with those by whom they think the present Government may be succeeded. Hence it happens that the Members have not the cordial and sincere support of those Gentlemen who are advocates of the system of what is called the protection of domestic industry. On the other hand, by shrinking from carrying into effect, boldly and consistently, those principles which they themselves avow — by practically maintaining some of the most mischievous restrictions, especially that worst of all—the existing Corn Laws—the Government have failed to obtain the cordial support and co-operation of those who are the advocates of a system of free-trade. Hence arise the difficulties of their position, the scenes we see exhibited in this and the other House of Parliament, and that uncertainty as to the whole future course of our commercial legislation which every man must feel to be a great evil, as well with reference to the character of public men as with relation to the interests of the country. Is there a manufacturer, a merchant, or a farmer in the Kingdom who does not feel that the doubt which at present exists as to the whole course of our future commercial legislation, is pregnant with evil to his own individual interest, in common with that of the country. This is a state of things to which it is high time that you (the Ministers) should put an end. This can only be effected by you, or by those hon. Gentlemen who have to-night taken an opportunity of manifesting, in no equivocal manner, the feelings they entertain, and who evinced those feelings on Friday night by the cheers with which they received the announcement of a division, by which the Government proposal was defeated. The Government must end this state of things by adopting, decidedly and boldly, one line of commercial policy or the other—by ceasing to halt between two opinions. They must not advance an argument in favour of protection, and then, by way of balance, argue for free-trade in the abstract, which never can be applied in practice; but,

ceasing to pursue this vacillating course, so little worthy the high position of the distinguished Gentlemen I see opposite, they must declare themselves decidedly in favour of one principle or the other. I do not mean that sort of respect coming from inefficient advocates of the question; but a *bonâ fide* acknowledgment of these doctrines or admission that they will at no distant date commence a legislation upon more sound principles. I am not rash enough to suppose that they could all at once strike off the whole of the protective duties; but it is in the power of the Government to make a considerable advance on this subject, and if they do, I can assure them they will be able to rely upon the support of many hon. Members who sit upon this side of the House. But if the Government are determined to maintain the present state of things, they must expect to encounter that feeling of hostility which they now dread. It is in the power of Her Majesty's Government to put an end to this state of things. I most respectfully appeal to the great party in this House who represent the agricultural interest. It is in their power to put an end to the present state of things. If they think that the present state of things ought to be put an end to it is their duty to act up to that opinion. If the agricultural party think that they truly represent the opinion of the country upon certain questions, let them honestly act upon that opinion, and if Her Majesty's Government will not adopt or defend the views which the agricultural party in this House consider essential to the interests of the public, let the agriculturalists say boldly to the Government, "You must give place to other and better men, men holding views in conformity with our own." Let them use the power which they possess in this and the other House of Parliament. Will the agricultural party admit that they have no man sufficiently intellectual to head a Government representing such opinions? Will they make such an admission as that? I am sure that they will not. Well, they say that the experiment is not to be hazarded. If they take that view of the question I admit that it is a just one. I appeal to hon. Members whether their course is not clear to them. If the tide sets in this direction, if the present system of restriction, of vexatious restriction, upon the commerce of the country is in opposition to public opinion, I ask hon. Members how they can reconcile it with their duty or with their interest to prolong an injurious contest which can only end in one way. If the result of this contest is likely to end in the removal of these restrictions, the sooner they are put an end to the better. I must own that I feel strongly with regard to the manner in which public affairs are now conducted, and I see no immediate prospect of effecting any alteration in that system. Would it not be productive of advantage were we to avail ourselves of the season of calm repose, and endeavour to effect the change to which I have been referring? What we want, and what the country wants, is a Government acting upon principle, and supported on principle—a Government bound together by strong feelings, convictions, and agreements upon questions involving great public principles, and supported by hon. Gentlemen who have a just appreciation of what the country wants. The state of anarchy which now exists with regard to these great political and commercial questions must, if allowed to remain unaltered, materially endanger the interests of the country, while it would bring ruin on the character of all public men.

Viscount *Clive* said, the right hon. Baronet at the head of the Government seemed to be somewhat apprehensive that some Members connected with the two dioceses of North Wales might have been tempted to vote as they had voted on Friday from a sort of idea that they might coax him into an alteration of those opinions with respect to the Dioceses of that part of the country which the right hon. Baronet had formerly expressed. As representing a portion of that district, he must beg to say that he was not quite so sanguine as to think that he should succeed in effecting a change in the right hon. Baronet's opinions on this head by voting as he had done. He voted on Friday night deliberately, and he did not intend to change that vote. The cause of those two dioceses was quite strong enough to stand on its own substantive merits. He did not think it would be right to barter one vote against another on such a subject, and he thought he should be taking the surest way to defeat that cause if he were to seek to carry it by unworthy means. He scarcely knew whether the right hon. Baronet only intended a warning to those hon. Members to whom he referred, or whether he meant to prejudge the case, for it was not usual to make allusions in that House to Bills pending before the House of Lords, and still less usual to

allude to events which had happened during their progress in that House. He hoped, when the measure came before them, it would be judged on its own merits; he asked no more for it; all he asked was, that when it came into this House it might not be prejudiced by anything which had been said this night.

Lord *Stanley*: The noble Lord on the other side of the House (Lord Howick) has appealed to the natural pride and sensitive honour of those who heard him, on the subject of that which the noble Lord represented as a threat held out by my right hon. Friend at the head of the Government, for the purpose of inducing the House to rescind the vote to which, on a previous evening, they came, after full deliberation and long debate. Now, I think the noble Lord did injustice to my right hon. Friend, in supposing that in any of the observations he offered to the House he was guilty of the impropriety of holding out any threat to any Member of the House on account of the vote then come to. But at the same time, in the position of Her Majesty's Government, it is their bounden duty in this state of affairs frankly to detail to the House the circumstances in which they find themselves placed, not perhaps exclusively, but certainly in a great degree, by that vote. When I say not exclusively, I must be permitted to assure the noble Lord who has just sat down, that nothing could be further from the views of my right hon. Friend than to impute to him, or to any Member interested in the question to which he has referred, that his vote upon this question might be, or that his vote on a former occasion was, in the slightest degree influenced by the unworthy object of seeking to obtain a species of reciprocity at the hands of the Government in their assent to a measure which they could not conscientiously support. What my right hon. Friend stated was this, that whatever the difficulties in which the Government might be placed by the vote to which the House had come on Friday, and still more by the language held by some Gentlemen on this side of the House who call themselves the supporters of the Government. It was due to his position, and to the country that he should frankly say, that from no doubtful intimation he had received upon this and some other questions (among which he mentioned the particular question alluded to by the noble Lord), and on which there was a strong feeling both in that and the other House sufficiently powerful to resist the Government with success—from the difference of opinion manifested with respect to these questions by those who in general supported his policy—that if Government did not retain the general confidence and support of their friends, it would be idle for them further to attempt to conduct the public business. The noble Lord had drawn a picture of the state of the country, which, indeed, if it be true and not marked with those high colours with which the noble Lord is in the habit of adorning what he addresses to the House, would be a conclusive argument not why we should invite the House to reconsider the question, but why we should at once declare, that not possessing the confidence of our supporters, we are incompetent to conduct a Government. The noble Lord stated that when not in office, we had created an impression—not perhaps designedly—that we entertained very different views on commercial subjects, from those on which we have since acted. Not, surely, on the mind of the noble Lord, for in the next sentence, the noble Lord, who had watched our course, said, that the steps we had taken had not by any means come upon him unexpectedly. But, says the noble Lord, while we admit the principles of free-trade, we do not carry them out. What is the language we have always held on this subject? If the noble Lord lays down as an abstract proposition, where no interest opposes, and where a *carte blanche* can be given, that it is better to buy in the cheapest and sell in the dearest market, there is probably no one who will dispute that principle. But the science of politics, of managing the affairs of nations, is to know how to apply principles true in the abstract to the conditions and circumstances of a country. I say we do admit that doctrine in the abstract, but in the application of that doctrine we do not forget that we are not to injure those great interests which have grown up in this country and in the Colonies, for the sake of escaping from the taunts of the noble Lord, who talks about principles in the abstract, which we are afraid to put into practice. The noble Lord says we are supported by a great body of men, who support us not from inclination, but because they dislike our opponents more than they love us. I should like to know,

when the noble Lord formed a part of a Government, whether he did not frequently find himself among a considerable number of those who supported him on that very same principle of faith—not that they agreed with him—not that they were satisfied with his course of proceeding—not that they would not desire to go further than the Government; but, from a want of somebody to carry out their own extreme opinions, they supported the Government of the noble Lord. This is the condition of every Government. It is impossible but that among the supporters of every Government there should be those who, in the main, are general supporters of the Government, but who are not satisfied with the rate at which the Government are proceeding—who are not satisfied with the application to its full extent of this or that abstract course of proceeding, but who are yet supporting the Government because they differ still more widely from those on the other side of the House. But I believe the noble Lord to be mistaken, although I admit there are Gentlemen among the supporters of the Government who think we do not go far enough in the system of protection for existing interests. I do not believe, I say, that the noble Lord takes a correct view of the great Conservative party at this moment, if he does not think that, in the main, they are satisfied with the wise and temperate consideration which my right hon. Friend has given to principles which, true in themselves, cannot be acted upon without endangering interests we have determined to support. But do I believe that the agriculturists, to whom the noble Lord has been kind enough, in the plenitude of his sympathy, to offer his advice, will be so far deluded by the eloquence of the noble Lord as to act upon the principle he recommends; and, combining as a body for the assertion of principles of protection, insist, as the noble Lord thinks they ought, either upon the Government adopting the whole view of the case which they may take, or of throwing out the Government and choosing their own leaders, place them in a position to carry out these views? Sir, I do not think the agricultural body would derive much advantage from such a step. The noble Lord says it is time to put an end to this state of things, and that may be done in one of two ways—it may be done by the agriculturists themselves insisting upon the extreme of protection at the hands of Government, and the resignation of the Government if the demand be not granted; or, that it may be done by the Government themselves adopting, contrary to their own opinions, the extreme principles of liberalism adopted by the noble Lord opposite; and, without reference to time, circumstances, or to the state of the country, putting into practice those abstract principles of which the noble Lord is so much enamoured. I do not believe that either the one course or the other will be taken by either the one party or the other; and whatever may be the fate of Her Majesty's Government, so long as they are supported by this House, so long undeterred by the extreme opinions of the noble Lords opposite, or the extreme opinions of a contrary tendency on this side of the House, will they maintain that steady and cautious course, which in their deliberate judgment they believe to be best adapted to the development of industry, and, at the same time, to the protection of the main and leading interests of the country. If the noble Lord cannot persuade the agriculturists—if he cannot succeed either by an appeal to the passions, or the pride of those whom he entreats not to be threatened into rescinding their vote—if he cannot succeed in creating or fomenting a division in the Conservative ranks—if the agricultural body are not captivated by the allurements of the noble Lord, he thinks he can successfully apply himself to the West-Indian producers, and persuade them to come forward, and, with a view to the protection of their interests, to place themselves under the guidance of the noble Lord who is the opponent of all protection. I know not whether the noble Lord will succeed in the bait he holds out to the West-Indian interest. But do I understand his offer to them? The noble Lord says, "Do not rescind your vote of the other night." Sir, I do not wish to take advantage of any technicalities. I say, then, at once, that the Government are calling upon the House to reconsider that condemnation which they passed on Friday night upon the plan submitted to them by Her Majesty's Government. I admit this frankly and fully. I seek to shelter myself under no technicalities. I admit that our measure was condemned on Friday night by a majority of ten. [An hon. *Member*: "Twenty."] By a majority of twenty. I do say, then, we ask

the House to reconsider the condemnation they then passed. How was that condemnation obtained? I am not going into the question of any previous concert between the noble Lord opposite and hon. Gentlemen on this side of the House. [Lord *John Russell*: There was no concert.] The noble Lord says there was no previous concert. [Lord *John Russell*: The noble Lord labours under a mistake.] I said I was not about to enter upon the discussion of any previous concert between hon. Gentlemen on this side of the House and hon. Gentlemen on the other side, by which the Motion of the hon. Member for Bristol was framed in such a manner as to obtain the assent of a great body of hon. Gentlemen opposite who differ from the hon. Member, but who condemned by a majority of twenty the project of the Government. That condemnation, however, was not obtained by an united body friendly to the West-Indian interest, or by those who wish to extend the principles of free-trade; and I do ask you not only to reconsider their vote of the other night, but deliberately to compare the plan of the hon. Member for Bristol with that of the Government, and if on the whole you are of opinion that as a whole the measure of the hon. Member is not one that can be adopted, then I trust the hon. Member will not accept that which may be palatable to hon. Gentlemen opposite, and at the same time abandon his own measure. Observe this: the hon. Member for Bristol brings forward a proposition composed of two parts, and he and the West Indians say, we desire to obtain the extent of protection proposed to be granted by the project of the hon. Member in preference to the measure of protection offered by the Government. But what if it so happen that a part of the hon. Gentleman's proposal is rejected, and instead of the proposal offered by the Government the hon. Member is defeated, and that part only of his proposal which is advocated by the supporters of free-trade is carried, can he and the West-Indian interest believe that they will have so effectually maintained their position as to secure to themselves protection against foreign slave-grown sugar? With respect to protection on the part of the Government, I distinctly admit the claim of the West-Indian body in a double sense to the protection afforded by this House. I admit it on the ground of differential duties between our Colonies and foreign possessions placed in similar circumstances. I admit it further, on the additional ground of the restriction in which the West-Indian Colonies are placed by the abolition of slavery, regarding the employment of labour. The proposition of the Government was to this effect—we give a differential duty of 10*s.* as against foreign free-grown sugar, and we maintain an absolute exclusion of foreign slave sugar, against the admission of which the West Indians have a double claim. Is the prospect of protection against slave-grown sugar, as offered by Her Majesty's Government, held not by those with whom the hon. Member for Bristol has thought it wise and expedient to associate for the benefit of the West Indies? A great part of the discussion has turned on the impossibility of discriminating between foreign free-labour sugar and slave-grown sugar, and the conclusion from all that has passed is irresistible that if, by coming round to the views of the noble Lord in 1831, you admit the principle he proposes, you will have not to compete with free-grown sugar alone, but in the course of a single year—aye, less—in the course of six months, you will have to compete with slave-grown sugar, which the noble Lord opposite tells you, and he took the opinion of the House this Session upon the point, ought to be put upon the same footing as to duty. That is what the West-India interest are about to gain by the success of the hon. Member. The amount of protection offered by the Government, and that asked by the hon. Member for Bristol, apart from the consideration of the 4*s.* which the hon. Gentlemen opposite tell him he will not obtain, and has no chance of obtaining, are identical. But then we show, that by the adoption of the measure of the hon. Member, first, that the revenue will largely suffer. No man has disputed the revenue would suffer by the proposition of the hon. Member as compared with that of the Government. The right hon. Member for Taunton frankly and fairly admitted that up to November next there would be great and serious inconvenience, great stagnation, and great paralisation of the sugar trade by delay in carrying the alteration into effect. The reduction of duty is 4*s.*, that is to take effect in five months. Is that likely to be for the benefit of the consumer, or of the West-India interest? It

is an absolute certainty, and it is not denied by any one, that from this time to November, there will be no sugar taken out of bond that can by possibility remain, not paying duty. Take off the 4*s.*; stop the issue and payment of duty from now to November, and then tell me, will the reduction of 4*s.* per cwt. on the duty, and no more, be advantageous to the consumer or to the price of sugar? Why, there will be not only no advantage, but it is a moral certainty the price must rise. Say that for five months sugar pays no duty, and that we must exist upon the present stock; it is a moral certainty there cannot be a fall in price. But does the price benefit the West-Indian producers? The sugar remains under lock and key, and they derive no benefit from the increased price, for that goes into the pockets of the wholesale grocers and retail dealers. Neither the West-India interest, then, nor the consumer is benefited, while to a certainty a great loss is inflicted on the revenue. But the noble Lord, the friend of the West-India interest, the disinterested adviser of the West-India producer, who expects that class to emancipate themselves from subserviency to the Government, and to place themselves in co-operation with him and his friends—what does he purpose? He does not deny, that by the postponement of the duty till November, there will be serious loss to the revenue, whilst no benefit will arise to the producer and consumer. He says, make the fall of the duty instantaneous. The loss to the revenue, if no additional duty comes in, is infinitely greater than it would be by the postponement to November. But what will be the result? The Brazilian Treaty continues. The noble Lord says I know that, but he says it is easy to be met, because it is quite true that now and for five months Brazilian sugar will come in at precisely the same terms as Colonial sugar; at the end of five months the supply will go back, and it cannot produce any important effect. The noble Lord well knows that at this moment there is a large stock of Brazilian sugar for the purpose of refining, which, if the noble Lord's proposition were carried, would be instantly competing in the market, and thus the West-India producer would receive a material benefit from the friendly suggestion of the noble Lord. Why, Sir, the course proposed by the noble Lord is actually that of rescinding a vote, for the House has already come to a vote continuing the existing duties till the 14th of November; and the noble Lord proposes to you, that pressed by the present difficulty, you should rescind in favour of Brazil a vote you came to three hours ago. The hon. Member for Somersetshire complains that we did not at once propose the whole of the project we had in view. I will not now enter upon the question so fully discussed by my right hon. Friend. I will merely say that we do not enter upon the whole question now, because, as we have before said, we consider this as a part of a great financial system, the proper time for considering which will be next Session. But we do avail ourselves of the earliest opportunity to intimate to the country, to the West-Indian interest, and to foreign sugar producers that principle which Her Majesty's Government intend to lay down, and that scale of protection upon which one of these parties may depend. We intend to give notice to the producers of foreign free sugar, that after a limited period they shall be admitted into competition with British West-Indian producers, and we announce to both one and the other (that which I much wish hon. Gentlemen on the other side would also announce as a part of their scheme) that they shall have permanent protection against the importation of foreign slave-grown sugar. Sir, it may be that the country has changed the opinions expressed in former years, it being a great moral duty incumbent upon the House and the Government to draw this distinction between foreign free-grown sugar and foreign slave-grown sugar. If that be the case, if that be the opinion of this House, if that great principle is to be broken in upon, and another substituted in its place, the Government who have not altered their views, who adhere to their former opinions, are not the parties you can in justice and in honour call upon to carry into effect this altered intention of the country. We, Sir, hold ourselves bound in honour as in justice to maintain that principle of protection, and that principle we see seriously endangered if the House is persuaded to adopt the proposal of the hon. Gentleman. I do not, nor does any Member of Her Majesty's Government, presume to say that we have a right to call upon any Gentleman to sacrifice his own individual and conscientious

opinions in favour of those which the Ministers lay down. But this we have a right to say—if you are in the main desirous of supporting Her Majesty's Government, it is not too much for them to ask beforehand that if a question be of itself really unimportant you will give such a fair construction of the views of those in whom you place your confidence, as to believe that having maturely and deliberately weighed that question, they have come to a conclusion upon the best exercise of their judgment, and that they are entitled to claim at your hands a liberal interpretation of rheir motives; and even, I may venture to add, some deference for opinions founded upon close investigation of the whole subject, although at the first blush you may find it difficult to reconcile them with your own. Sir, I ask no Gentlemen to sacrifice their own opinions, or to do that which would alike degrade themselves and degrade the Government. I ask them not, as was hinted on the other side, to make those opinions subservient to the Government; but if there be between the Government and the House so wide a difference of opinion, that they do not possess the general confidence of the House so as to enable them to carry through those measures they believe to be essential to the welfare of the country—then, I say, the Government have a right to claim that they shall be exposed to a recoil upon themselves of those arguments which they embodied in 1841, preliminary to a vote that the Government did not possess the confidence of the House of Commons, and that so, not possessing the confidence of the country, it was their duty to resign their office. The noble Lord spoke out plainly, as he always does. He charged us with having threatened to resign, and he says that we are not masters of our own conduct on this occasion. I must be permitted to tell the noble Lord that he is very much mistaken if he thinks that there is any man, whether in Government or out of Government, who is such a slave as to be prepared to sacrifice to the retention of office that view of any public measure which he believes to be due to his deliberate conviction and his private judgment. This I know, that if, after a succession of defeats, caused not by the conduct of those who are our open and avowed opponents, but caused by an agreement—or a concert—call it what you will—["No, no."]—I confess I feel a difficulty to select a word to express what it should be called—if by such an union of votes, without any previous concert, Her Majesty's Government should feel themselves in a condition of being unable to carry measures which they deem essential to the public service, and if after a succession of defeats so produced, they should continue to hold office—as their predecessors no doubt did—I well know how keenly and how warmly we should have had pressed upon us from the opposite side of the House the language in which we had moved our censure upon their conduct, and that those considerations which were then urged by us against them for abandoning their policy while they retained their places, would be pressed with infinitely more force, with infinitely more reason, with infinitely more truth, and with infinitely more dishonour to the Government. It would have been said, that with the belief that we did not possess the confidence of the House of Commons, we, nevertheless, retained office, and maintained our station persisting in conducting the management of the affairs of this country. With these considerations pressing on our minds, we are not very likely to adopt such a course. We do believe that the measure we have proposed, on the whole, is not open to those objections to which the measure proposed by the hon. Member for Bristol is open. If we do believe that it is a measure that will afford an adequate, I do not say more than an adequate, state of protection to the West Indians—in combination with a measure which we do not feel the necessity of—namely, a large supply of labour to the West Indians; if we do believe that it lays down sound principles on which the commercial policy should rest, and upholds that which we fear would soon be broken down by the measure of the hon. Member for Bristol; if we believe that, by giving due notice to free-grown sugar planters—to foreigners on the one hand, and to our own Colonies on the other—the principle—the steady principle—we mean to apply to both, we shall, at the same time that we increase the facility of the introduction of a larger supply of sugar into this country, also give an increased advantage to the consumer, without pressing injuriously on the interests of the producer in the West Indies; but at the same time without giving him, at the first opening of the trade, that exclu-

sive monopoly which he would possess if we made the reduction of duty without any preliminary warning to other countries of their right of entering into competition with him; if we believe our measure is not open to the objection to which the measure of the hon. Gentleman is open, but that, on the other hand, it is a measure——I will not say is essential to, but surely is conducive to, the interests of the country—laying down as it would do a principle which would produce steadiness in the market, and at the same time leaving the details and general arrangement open to the unfettered consideration of Parliament, at a future time, when the whole financial concerns of the empire must come under consideration; I do trust we shall not be considered unduly and improperly pertinacious in our own opinions, and I do hope that we shall not be considered as asking too much from those who, upon general grounds, are disposed to give us their confidence, if we do state firmly and emphatically, but at the same time most respectfully, that to our present proposition, the proposition of the Government, we must adhere; and to call upon them not, for the mere purpose of effecting some immediate object—rather than for making a final settlement of the question—to form a union and an alliance with Gentlemen who are as adverse in principle to themselves as it is possible for men to be, but who are willing to support them now, because they are desirous to overthrow the Government, but who, when they have succeeded, by the assistance of the friends of the Government in overthrowing it, will be very little disposed to give any very favourable indulgence either to the claims of the agricultural interest or to the West-India body.

Viscount *Palmerston:* If the only question which this House had to determine, was the question depending upon the Motion of the hon. Member for Bristol, I should be entirely prepared—not to conspire—not to combine—but to unite with him in the vote which he has proposed. That vote is not free from objections, according to the view which I take of it. In the first place, it appears that a great objection to the proposal of the Government, is that it makes a distinction, which I think unfounded and untenable, between sugar the produce of free-labour, and sugar the produce of slave-labour. I am not going into that question now, but I must take leave to say, that a ground more irreconcileable to common sense, more untenable in practice, than that distinction is founded upon, it never yet fell to my lot to hear. I think the discussion which has taken place on that subject generally convinced hon. Gentlemen on both sides of the House that it was a distinction which could not be maintained in practice. Another ground of objection is, that the proposition of the hon. Gentleman is founded upon the principle of protection; a principle which in the abstract I disapprove of, and one which ought not to be the foundation of our commercial regulations. But, at the same time, I am prepared to admit, that if there can be a case in which it would be fitting to make an exception to the general rule, and to apply for a certain time the principle of protection, that case is the case of the West-India Islands, where, from circumstances, independent of the possessors of the land, where from causes originating from the highest motives, and from the most laudable acts on the part of this House, temporary difficulties exist which may fairly require the indulgent consideration of Parliament. I, therefore, am not disposed to object to that degree of protection which this vote proposes, always assuming that that protection should not be a permanent system, but be considered as applicable to temporary and peculiar circumstances. I much prefer the proposal of the hon. Member to the proposal of the Government; because while on the one hand it would be productive of relief to the West-India planter, on the other hand it would be attended with considerable relief to the consumers of this country. It has been shown that the reduction of duty which the hon. Gentleman proposes will create a sensible diminution in the price of sugar, and that must in itself be a great advantage to the people. But I must own that the question of a comparative duty, and the question of protection to the West-Indian interest, and the question of the application of abstract doctrines to our commercial policy, appear to me to have sunk into comparative insignificance when we consider the other ground on which this vote is chiefly placed by the Government. The Government say that they have not threatened any individual, but they have distinctly declared that unless this House shall consent to retract a vote which it came to the other evening, and vote the direct contrary to that vote, which on full consideration they affirmed, they,

the Government, declare that they will cease to consider themselves in a situation which would enable them to remain in the offices which they at present hold. Undoubtedly to the Gentlemen on this side of the House, that is no threat whatever; but to that large portion of their own supporters by whose votes they were placed in a minority on Friday night, that is a threat, and a threat which I think it is not becoming of any Government to employ. I think such threats bring seriously into danger the independence, character, and dignity of the House of Commons. I quite admit that when a Government is defeated upon some important question, involving great principles of Government, and therefore when they find that they have lost the confidence of Parliament, it is then becoming that they should retire from office, which they could no longer hold with credit to themselves or advantage to the country; but has that always been the principle which has guided the conduct of the Government who now sit on the Ministerial Benches? Has this House forgotten the year 1835, that short period of four months, which elapsed between the meeting of the Parliament of 1835 and the retirement of the Government? Why, the Government of that day was not once, twice, or thrice only, but I believe something like eleven times outvoted, without considering it a decisive manifestation of their having lost the confidence of Parliament. It is suggested to me that in that short Session they not only met with nearly nothing but defeats, but that when they did obtain the sanction of the House to any measure, it was but with a small majority. Why the Government of that day justified their conduct by alleging that having undertaken the Government, after great consideration, they felt it inconsistent with their duty lightly to abandon their post, and that they would not assume that they had lost the confidence of the House until it was proved in a manner not to be mistaken. But now we have a doctrine very different from that of those days. The other day, upon the factory question, what was the language which the Government held? They said it was a question so very important, involving considerations of such magnitude, and of such vital interest to the country, that they could not be responsible for the management of public affairs, if the vote which had been passed was not reversed. The vote was reversed, and much loss of character by the House, in the opinion of the country, was the consequence of that change of opinion. But what are we told now? We are told this question before the House is not a question of much importance. We are told that it is a question comparatively unimportant; and because it is unimportant the Government refuse in honour to remain in office unless Parliament are ready to rescind their vote. What does this come to but to this, that this House is to be but a mere cypher, a mere assembly to register the edicts of the Executive Government? If the Government are defeated on an important question, then its importance prevents the Government from continuing in office, and if the defeat takes place on a question that is unimportant, then, because the question is trifling, so much the more pointed is the affront, and so much the more strong is the want of confidence of the House, and that is then made the reason why Government and Parliament should part. This does appear to me a doctrine entirely contrary to the views and principles of constitutional government in this country. I think it is one which leads to great danger, as affecting the independence, utility, and character of this House, and if I were one of the Gentlemen on the other side of the House who voted against the Government on Friday night, however much I might value their continuance in office, I should consider my own character, and the character of the House, of much higher concernment, and should say that rather than I would support the Government on ground like that, I would run the risk of overthrowing it, to preserve my own independence and the independence of Parliament. I confess I never was more surprised than when I heard the course which the Government had determined to take this day. Every one had no doubt speculated as to what was the course which would be taken; but that the course would be to call upon the House for a reversal of the vote which it had come to on Friday night, certainly never occurred to my mind. Government might have come forward with much dignity, and have said, "We will acquiesce in what appears to be the opinion of Parliament; and that as it appears that the opinion of Parliament is that the duty on sugar should be reduced both with a view of increasing the protection to the West-India Colonies and the comforts of the working classes, the Government will accede to that proposal." Had the Government done this, then they might, with much justice, have put an end to the doubts at present existing as to the con-

tinuance of the Income Tax, because they might have said, "If Parliament is prepared to sacrifice the revenue from commercial considerations, we (the Government) must come forward and ask you, the Parliament, to reimpose the Income Tax." That would have been a very fair and intelligible course for them to have pursued. What were their reasons for not pursuing that course they must know best. They might have taken another course. They might have said there was such a difference of opinion between the Government and many of their own supporters, that they would appeal to the country, not as against the Opposition, but against many of their own friends—against the very persons who had placed them in power, and ask the country whether they would return persons more disposed to concur in the general sentiments of the Government. That was a course they might have taken. But, perhaps, the noble Lord would say it was impossible. I think there is another course which might have been taken with dignity and consistency. What is the ground which the right hon. Gentleman at the head of Her Majesty's Government has assumed on this occasion, on requiring the House to rescind their vote of Friday, if not, he and his Colleagues will retire from office? Why, the right hon. Gentleman has stated that it is not this particular vote, of itself, so much as the indication of this vote, and the consequences connected with it; showing that there was a progressive feeling of difference between his supporters and himself. The right hon. Gentleman and the noble Lord have stated, that it was not merely the vote or the speech of the opener and seconder, or the tone of the debate, or the cheering or the exclamations alone, but that there have been other indications, strongly showing that Her Majesty's Ministers have lost the confidence of their own party. Now, if the Government be satisfied that it has lost the confidence of the party by which they have been supported, would it not be better for them to resign on that ground rather than call upon the House to rescind its vote? The noble Lord said, it might be hard upon hon. Gentlemen, at the first blush, to reconcile their first vote with their second. No doubt any man would feel a blush upon his cheek at being called upon to do so—though I know not whether the noble Lord or his Friends would feel it to be their first blush. I can tell the hon. Gentleman opposite, that it will not then be the last, for they may depend upon it, as the right hon. Baronet well said, that it is not merely upon the past but the future that is to be looked to. "It is not merely this vote," said the right hon. Baronet, "but other questions will come on on which differences will arise, and I want my supporters to learn now that the Government will not permit them to differ in opinion with us, and that if they do not agree now to submit their opinions to ours, we will no longer go on in the situation which we now occupy." I say, therefore, if the Government have a well founded conviction that neither to-day nor yesterday, but that for a long period there has been a growing alienation and separation between them and the great party by which they are supported—if they have such a conviction, that may be a reason—I don't say an imperative reason—but it might be a fair and constitutional reason, for them to resign their situation; but it affords no reason whatsoever for calling upon this House to rescind a vote, the rescinding of which would be disgraceful to the House, but would have no tendency to lessen that inward discontent and dissatisfaction of which the Government say they have witnessed so many other instances. The fact undoubtedly is, that the Government is in a position, which I can well understand to be highly painful and irksome for any men to be in. I do not agree with my noble Friend who says that he always saw, and believed that the Government were in their hearts as much advocates for the principles of free-trade as we who sit here. They gave no proof of it when they were upon this side of the House. They certainly took advantage of strong opinions adverse to those principles, and it was by taking advantage of those strong opinions adverse to those principles that they attained to the possession of the power which they now enjoy. When the change in their own minds took place it is impossible for us to say. I can easily understand that men coming into power with anti-free trade notions, may, by a close observation of the workings of the system which they lead to advocate, soon find sufficient reasons for changing their opinions and adopting in their own minds principles against which when out of power they had contended. I do not blame them for that conversion; on the contrary, I think it does honour to their candour, judgment, and good sense; but, if they had changed their opinions, or if they always entertained those opinions, but did not exhibit them

before though they think fit to do so now, they have no right to find fault with that great body of men who supported them in the faith and full belief that their opinions were very different from what they really are, and who, finding now that those opinions have changed—or finding that they always were the same though concealed in general and brought forward only upon particular occasions—feel resentment at being called on to give effect to the opinions the very contrary of those which they themselves entertain. But, then the noble Lord says, we make contradictory and inconsistent accusations—one moment that we say that they have free-trade principles in their mouths and not in their actions—another time, that they certainly held them not long ago, and did not now, and, again, that they kept these principles for high days and holidays, and did not carry them into practice—that they do indeed for the sake of the regard they feel for them carry them out here and there, just enough to show to their supporters that they do not heartily agree with them; while, on the other hand, they are not bold enough to carry them out to an extent sufficient to satisfy those who entertain those opinions in common with themselves. Well but, Sir, they have specimens of our principles, to show that they do not altogether repudiate them. They opposed our proposal of a fixed duty on corn, yet, upon the Canada frontier they have their fixed duty. All the corn that comes to England from America, through Canada, comes in upon the fixed duty principle. Then there is the principle of free-trade in corn,—corn paying no duty save that simply of its registration. They opposed the proposal for a free-trade in corn, yet we have a specimen of that principle,—all the corn that comes from the Maine through New Brunswick comes in by virtue of the Ashburton Treaty upon the free-trade principle. Then these Gentlemen take care to adopt those principles as little as possible in use, but merely sufficient to keep specimens for future use, that they may say "we have held them, not simply in the abstract, but we have applied, and do apply them, as far as the application was or is possible." I say, then, that I think the great question the House has to consider to-night is—whether it will surrender its independent will—its sincere convictions—to the dictates of the Government; whether Gentlemen who in accordance with their own opinions, upon mature consideration and deliberation, upon Friday voted, "Aye," will vote upon Monday, "No," from an apprehension that, by persisting in their consistency, they will lose the Government which they wish to maintain in office, and I say, if the question be between maintaining their own consistency and losing the Government they support, that I think a sense of personal honour and a regard to the character of Parliament leave us no alternative. Let them not deceive themselves by any such apprehension as that which has been alluded to—let them not imagine, if they do persist in the vote they gave upon Friday, that that will lead to a change of the Government—we have only to look to this House—we have only to see how this House is constituted—we have only to see what are the decisions when a question of importance is really at issue between the two sides of the House, we have only to look to that to be convinced that the threat of retiring from office is an idle threat, and one that will not and cannot be carried into execution. When the Government says it has not the confidence of this House, what is the meaning of that declaration? I say the confidence of this House is made known when a question is brought before it with reference to what the Government has stated it is a vital question, upon which they consider their existence as a Government depends—not when resignation is brought forward as a threat to induce the House to rescind a former vote—but when in the ordinary course of communication between the Government and its supporters, it has fairly told them beforehand, and in sufficient time, that such must be the bearing of the vote to be given. When a question of that sort has come before us, what has been the indications in this House of want of confidence in the Government? Why, we have had majorities varying from ninety to 100, and I say, notwithstanding the decision to which the House may come to-night, that, if any day this week any Gentleman upon this side of the House were to propose a resolution of "no confidence" in Her Majesty's Government, I am convinced that such a resolution would be lost by a majority of certainly not less than from 90 to 100 votes. I say then, Sir, away with this nonsensical assertion of want of confidence in the Government. Away with the pretext that it is necessary for Gentlemen to unsay what they have said, and to forfeit all character and title to independence and consistency, in order to manifest their confidence in that Government. Why the Government cannot be in earnest when it says it thinks it has lost

the confidence of the majority of this House. Recent votes prove the contrary, and not wishing to say anything harsher or more severe than has already been said, I must say that the vote which the supporters of the Government, who voted against them the other night, are called upon to give to-night has been perfectly described by the hon. Member for Shrewsbury (Mr. Disraeli) when he said, "However anxious Her Majesty's Government may be to put an end to slavery in every part of the world, they at least mean to rivet the chains of those who sit behind the Treasury Benches."

Mr. *S. O'Brien* said, that as an agricultural Member, and as one who voted upon Friday last in favour of the Motion of his hon. Friend the Member for Bristol, he was unwilling to allow the debate to close without tendering his heartfelt thanks to the noble Lord the Member for North Lancashire (Lord Stanley) for the able answer which he had given to the speech of the noble Lord the Member for Sunderland (Lord Howick), and he could tell the noble Lord the Member for Sunderland that in whatever estimation the agriculturists might hold the friendship of the right hon. Baronet at the head of the Government, they at any rate considered the enmity and hostility of the noble Lord to be so inveterate and implacable, that it would be very long before they would take him into their confidence. The noble Lord the Member for North Lancashire had stated fairly and frankly the differences that on the whole existed between Her Majesty's Government and the agricultural body. He would ask the House to remember, however, what had been the conduct of the agricultural body since the accession of the present Government. Their accession was declared to be an hour of triumph and of victory for the agricultural body. He asked the House and the country whether the agricultural body availed themselves of that hour of triumph, and used that hour of victory to assert fresh protection for themselves. That the agricultural body did not meet the thanks of the other side of the House was to them as nothing; they never expected it; but they did look for the approbation of the country; they did look for the approbation of posterity. They did, in the hour of triumph submit to a revision of all those duties which affected the commercial interest, and they did acquiesce in their reduction to the lowest degree. What had been their conduct since. When driven at last into some demonstration of feeling by the ceaseless machinations, by the overbearing demonstrations of the body calling itself the Anti-Corn Law League, when the farmers of England were called up as one man to speak for themselves, he asked, whether it was from his side of the House that they asked through their representatives if the right hon. Baronet was prepared to maintain the Corn Laws? Did they exhibit even so much mistrust, doubt, or apprehension of the right hon. Baronet's policy? No; the question came from the opposite side of the House, while the representatives of the agricultural interest, with the exception of a passing remark from the hon. Member for Kent, showed that they were satisfied with the declaration of the right hon. Baronet. Since then, the right hon. Baronet brought in his plan for the abolition of the duty upon wool, and he asked the right hon. Baronet if he would do the agriculturists the justice to say that they did not oppose that measure. He asked him to do the farmers of England, and their representatives in that House, the justice to say, whether or not during the present Session (as the right hon. Baronet's remarks chiefly applied to the present Session), they had offered him a factious opposition. He wished the noble Lord, the Member for Lancashire, who so well responded to the noble Lord the Member for Sunderland, had reminded that noble Lord that the party with whom he acted, and the Government of which he once formed a part, had been justly compared, by a certain influential Gentleman who gave them his support, to the farmer

> "Who put his hat into a broken pain,
> "Not to let in the light, but keep out the rain."

That was the position which the noble Lord and his Colleagues were content to hold. One word, and he had done. The noble Lord the Member for Tiverton had said that whenever any expression of confidence was deemed necessary, the Government found a majority varying from ninety to 100, and this was contrasted with the division of Friday night; but he would ask the House to go one night further back and remember the division for Thursday night, when with the whole strength of the Opposition, led on by the noble Lord the Member for London against them, they supported the right hon. Baronet on the high Conservative and he might add, Protestant ground of refusing to sacrifice the Irish Church, with a majority of ninety-five. If therefore, the right hon. Baronet connected the vote of Thursday with that

of Friday, he would see that whenever he acted on those principles to which he owed the proud position he now occupied, he would find that the body who were acting with him were ready and willing to support him. If (said the hon. Member), as I hope for the welfare of the country, the right hon. Baronet's tenure of office is still long—if, as I know it is the right hon. Baronet's ambition, he would leave this empire not only unimpaired, but strengthened and beautified to those who succeeded him, he has only to remember the principles on which he came into office, and to understand that, while we support a Minister, we must also support a principle. With this feeling, the party amongst whom I am proud and happy to number myself, are ready to stand by him whatever may be the taunts or obloquy of hon. Gentlemen opposite.

Colonel *Sibthorp:* He had no vote to rescind or to justify because he had given his hearty and cordial support, on Friday night, to Her Majesty's Government. His conviction was, that the Amendment proposed by the hon. Member for Bristol would not be beneficial to the West Indies, to the consumer, or to the revenue. The noble Lord opposite (Lord Palmerston) had laid down four or five modes of action for the Government, but he (Colonel Sibthorp) hoped they would never take a lesson from the noble Lord's side of the House, or practice any of their dirty tricks. For ten years those Gentlemen had held power, and they were ultimately driven from their post with all the execration they merited. Looking at the difficulties which his (Colonel Sibthorpe's) right hon. Friend at the head of the Government had to contend with—there could be but one opinion out of doors as to his conduct. No man had so much confidence placed in him by the country. [*Loud cries of* "Divide."] That was all cry and little wool. He should on this occasion give his most cordial support to Her Majesty's Government.

Mr. *M. Gibson* wished to explain as briefly as possible the view he was constrained to take on the question before the House. They were told by some hon. Gentlemen that that question was simply whether the duty upon colonial sugar should be 20*s.* or 24*s.* Hon. Gentlemen might take that view of it if they thought fit, and there were many plausible reasons why they should. In his opinion, however, the real question was one which lay at issue between the extreme protection party in that House and the right hon. Gentleman at the head of Her Majesty's Government, who had brought forward a measure for diminishing protection. As he looked upon it, the question which Gentlemen who advocated free-trade as a duty they owed to their constituents were to consider was—"Does the hon. Member for Bristol, representing the West Indian proprietary body in this House, call upon us to give a larger measure of free-trade than the Government?" He might be wrong in his estimate of the nature of the question, but that was the view he conscientiously took of it. The noble Lord the Member for the city of London, however, did not so consider it; and, looking upon it as a matter of combination and policy, spoke of it as a party question upon that (the Opposition) side of the House. His Lordship did not invite them to support any liberal measure of his own proposing, but called upon them to co-operate with those who were their most uncompromising and most determined opponents; and with no other object than practically to defeat a measure within their reach, imperfect undoubtedly, yet looked upon as a movement in the proper direction by the constituency which he represented. It was, he repeated, very imperfect, and fell very far short of what it ought to be, but still, as far as he was able to judge, it was the only practicable measure of reform within the reach of the House. The noble Lord invited the House to co-operate with the opponents of free-trade, but he could not bring himself to believe that those hon. Members who complained of the right hon. Gentleman opposite for admitting foreign sugar into competition with their own would think for one moment of admitting still more foreign sugar. They told him, indeed, that they had no confidence in him, because he exposed them to competition, and then said they, "In our own defence we will admit a greater quantity of foreign sugar than you do." He did not believe that they entertained any such object. He believed that there would be a larger measure of protection afforded by this Bill. They asked for a differential duty of 14*s.* instead of 10*s.* He would be most happy to vote with the noble Lord the Member for the city of London, and there was no person could be more anxious than

himself to support that noble Lord; but the present question was not a vote of confidence in the Government, it was a matter at issue between them and the leaders of the West India interests. It had been stated on a recent occasion by the noble Lord the Member for the city of London, that, when he asserted that the duty of 34*s.* on plain clayed sugars would apply to a large proportion of the foreign sugar available under the present Bill, he was not correct. Now, he could not have made that assertion of his own knowledge on the subject, because he was not at all conversant with sugar making or refining, but had done so on such authorities as lay within his reach, and he would now take the liberty, in his own justification, of reading some letters. ["No, no."] He felt that where a Member's accuracy was attacked, he was entitled to justify himself, and that he would insist upon being heard, or he would move that the Chairman should report progress. ["No, no."] ["Read, read."] The hon. Member proceeded to read a letter from Mr. Peter Martineau, whom he described as a firm supporter of the principles of the noble Lord the Member for the city of London, and well known in the sugar-trade, in which the writer states his conviction, that for a very large proportion of free-labour sugar the public would have to pay a much higher per centage, if the Amendment were carried, than was levied under the Ministers' Bill. The next letter, the hon. Member continued, is from another Gentleman of opposite principles to Mr. Martineau. And what does he say? The latter stated, in answer to his (Mr. Gibson's) inquiry respecting Mr. Miles's Amendment, that the writer was of opinion that a large quantity of Java sugar would come under the denomination of clayed sugars, and be thus subject to the 24*s.* duty; and that the Amendment, if carried, would give a duty of 14*s.* instead of 10*s.* The next letter was from better authorities, Messrs. Thornton and West, of the city. The purport of this letter was to this effect—that these gentlemen believed that much of the benefits expected from the Bill would be defeated if the duty to be levied exceeded 10*s.*, and that the result of Mr. Miles's Amendment would be to bring in white clayed sugars at 34*s.* instead of 30*s.*, concluding by an expression of their hope that the Government measure would be carried. ["Divide."] I have, continued the hon. Member, several other letters from persons of different political opinions, who all concur in considering the measure of the West Indian party a demand for increased protection, and call upon us, as advocates for the abolition of protection, to support the best measure we can get—that he must, with the utmost respect for the noble Lord, call upon him not to throw any degree of taunt upon him or his Friends for acting inconsistently on the present occasion, for they were merely anxious to procure the best measure within their reach, and, in taking that course, they had not been actuated by any desire to throw themselves into opposition to the noble Lord.

Mr. *Roebuck* would not occupy the attention of the House needlessly, or at any length, but he wished to say that, in his opinion, the hon. Member for Manchester had certainly taken very erroneous views of the present question, which was whether the duty to be levied should be 20*s.* or 24*s.* He thought that there should not be a differential duty on colonial produce, and now the hon. Member was about to vote for a duty of 24*s.*, and to negative the Amendment, because it was proposed by Gentleman whom he called the enemies of all free-trade. What did he care for that, if it happened, as in the present case, that the interests of the monopolists coincided with the interests of the consumer? He agreed with the proposition that if the price of sugar were reduced an increase of consumption would follow, which would enable the planters to get a profit which they could not now obtain. The proposition to reduce the rate of duty upon foreign sugar from 63*s.* to 35*s.* was met by the assertion that the West Indies could not compete with sugar introduced at such a rate, and the representatives of that interest therefore proposed a reduction in the duty on their own produce. Their view happened at the present moment to coincide with his, and he was not to be frightened out of his wits because they were called monopolists. His wish was to favour the consumer, and with that desire he should accompany the hon. Gentleman and his supporters into the lobby on a division. The right hon. Gentleman had said, that those who voted for the Motion of the hon. Member (Mr. Miles) voted so in consequence of having some inimical object towards the Govern-

ment. He disclaimed any such inimical object, and he should be sorry to see the right hon. Gentleman out of office at the present moment. But, he repeated, he was for the consumer. When the preceding Ministers were in office they were taunted with incapacity to carry on the Government, and with the smallest of their majority; but, at present, this remarkable circumstance had occurred—a Minister commanding as large a majority as a hundred had that night acknowledged that he was unable to carry on the ordinary business of legislation. What had led to this phenomenon? The fact was, that there was a force out of doors which, in spite of every majority within these walls, pressed on the persons in the responsible condition of the right hon. Gentleman opposite; and, however, they might use political and party cries in opposition, yet, when they were invested with the power and responsibility of office, they were necessarily guided by the great interests of the community, and were brought into collision with smaller sectional interests. The present Ministers had been told that they came into office on the cry of protection, and that they were sacrificing protection. This was the necessary condition of all who should hold office hereafter. They could no longer have this protective system; and even the hon. Member for Bristol, while talking of protection, felt himself obliged to throw himself on the great market of competition. This was a signal triumph for free-trade. It was the first step, and the farmer would ultimately be obliged to yield. They might complain of their leader as they pleased; but he was in a position created by the necessity of things. He regretted to observe the almost ungenerous mode in which his followers had treated the right hon. Baronet. The hon. Member for Shrewsbury had talked about some mysterious influence being at work, which had created a division in May, and hostility in June and July, and then the hon. Member asked with that sort of air which enabled a man to earn a reputation for being wise by propounding a difficulty—what was the cause? This was a very cheap mode of earning a reputation for wisdom. He had known many books of three volumes full of it. It was but a shallow sort of philosophy. The hon. Member asked the question—what was the cause? He did not answer the question, however, but left the House in a state of doubt. From the tone in which the hon. Member spoke it might be thought that there existed a feeling of disappointment on his part, and a short anecdote might explain to the House what had occasioned this disappointment. When Pitt first came into office he went to Cambridge, and a rev. Gentleman preached a sermon before him on the following text:—"There is a lad here which hath five barley loaves and two small fishes; but what are they among so many?" This might explain better than any thing else the cause of the hon. Member for Shrewsbury's present feeling.

The Committee divided on the question, that the words proposed to be left out stand part of the question:—Ayes 233; Noes 255: Majority 22.

List of the AYES.

Adderley, C. B.	Christie, W. D.
Aglionby, H. A.	Clay, Sir W.
Ainsworth, P.	Clive, E. B.
Aldam, W.	Codrington, Sir W.
Anson, hon. Col.	Colborne, hn. W.N.R.
Archbold, R.	Colebrooke, Sir T. E.
Armstrong, Sir A.	Collett, J.
Baillie, Col.	Collins, W.
Baillie, H. J.	Colquhoun, J. C.
Bannerman, A.	Colvile, C. R.
Barclay, D.	Cowper, hon. W. F.
Baring, rt. hon. F. T.	Craig, W. G.
Barnard, E. G.	Currie, R.
Barron, Sir H. W.	Dalmeny, Lord
Bell, J.	Dalrymple, Capt.
Bellew, R. M.	Dawson, hon. T. V.
Benett, J.	Denison, W. J.
Berkeley, hon. C.	Denison, J. E.
Berkeley, hon. Capt.	Dennistoun, J.
Berkeley, hon. H. F.	D'Eyncourt, rt.hn.C.T
Berkeley, hon. G. F.	Dickinson, F. H.
Bernal, R.	Disraeli, B.
Bernal, Capt.	Divett, E.
Blackstone, W. S.	Douglas, J. D. S.
Blake, M.	Drax, J. S. W. S. E.
Bowring, Dr.	Duff, J.
Brocklehurst, J.	Duncan, Visct.
Brotherton, J.	Duncan, G.
Browne, R. D.	Duncannon, Visct.
Browne, hon. W.	Duncombe, T.
Brownrigg, J. S.	Dundas, Adm.
Bulkeley, Sir R. B. W.	Dundas, F.
Buller, E.	Dundas, D.
Busfeild, W.	Dundas, hon. J. C.
Butler, P. S.	East, J. B.
Byng, G.	Easthope, Sir J.
Byng, rt. hon. G. S.	Ebrington, Visct.
Carnegie, hon. Capt.	Ellice, rt. hon. E.
Cavendish, hn. C. C.	Ellice, E.
Cavendish, hn. G. H.	Elphinstone, H.
Chapman, B.	Evans, W.
Childers, J. W.	Ewart, W.

Fielden, J.
Ferguson, Col.
Ferrand, W. B.
Fitzmaurice, hon. W.
Fitzwilliam, hn. G. W.
Fox, C. R.
French, F.
Fuller, A. E.
Gore, hon. R.
Granger, T. C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hampden, R.
Hanmer, Sir J.
Hastie, A.
Hawes, B.
Heathcote, G. J.
Heneage, E.
Henniker, Lord
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, Lord
Howard, hn. E. G. G.
Howard, P. H.
Howard, hon. H.
Howick, Visct.
Hume, J.
Hurst, R. H.
Hutt, W.
Irving, J.
James, W.
Jervis, J.
Johnson, Gen.
Labouchere, rt. hn. H.
Langston, J. H.
Layard, Capt.
Leader, J. T.
Leveson, Lord
Long, W.
Macaulay, rt. hn. T. B.
McGeachy, F. A.
Maclean, D.
McTaggart, Sir J.
Maher, N.
Manners, Lord J.
Marshall, W.
Martin, J.
Matheson, J.
Maule, rt. hon. F.
Miles, W.
Morris, D.
Morison, Gen.
Morrison, J.
Murphy, F. S.
Murray, A.
Napier, Sir C.
Newdegate, C. N.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Paget, Col.
Palmerston, Visct.
Parker, J.
Pattison, J.
Pechell, Capt.
Pendarves, E. W. W.
Philips, G. R.
Philipps, Sir R. B. P.
Philips, M.
Pigot, rt. hon. D.
Plumptre, J. P.
Plumridge, Capt.
Ponsonby, hon. C. F. A.
Protheroe, E.
Pusey, P.
Ramsbottom, J.
Rawdon, Col.
Redington, T. N.
Reid, Sir J. R.
Rendlesham, Lord
Rice, E. R.
Roebuck, J. A.
Ross, D. R.
Rous, hon. Capt.
Russell, Lord J.
Russell, Lord E.
Russell, J. D. W.
Sandon, Visct.
Scholefield J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, B.
Smith, rt. hn. R. V.
Smythe, hon. G.
Somers, J. P.
Standish, C.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T,
Stewart, J.
Stuart, Lord, J.
Stuart, W. V.
Stock, Mr. Serj.
Strickland, Sir G.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Tollemache, J.
Towneley, J.
Trail, G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vane, Lord H.
Vivian. J. H.
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wallace, R.
Watson, W. H.
Wawn, J. T.
Wemyss, Capt.
White, H.
Wilde, Sir T.
Williams, W.
Williams, T. P.
Wilshere, W.
Wodehouse, E.
Wood, C.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.

Miles, P.
Stewart, P. M.

List of the NOES.

Ackers, J.
Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, J.
Baird, W.
Balfour, J. M.
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, T.
Beckett, W.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bouverie, hon. E. P.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brooke, Sir A. B.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Chapman, A.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cobden, R.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Denison, E. B.
Dodd, G.
Douglas, Sir H.
Douro, Marq. of
Dowdeswell, W.
Drummond, H. H.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, W.
Emlyn, Visct.
Escott, B.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Flower, Sir J.
Forester, hn. G. C. W.
Forman, T. S.
Forster, M.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Gardner, J.
Gaskell, J. Milnes.
Gibson, T. M.
Gladstone, rt. ho. W. E.
Gladstone, Capt.
Glynne, Sir S. R
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Gregory, W. H.
Grimston, Visct.
Grogan, E.

Hale, R. B.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Hayter, W. G.
Heathcote, Sir W.
Heneage, G. H. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Humphery, Ald.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
James, W.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Joliffe, Sir W.
Jones, Capt.
Kemble, H.
Ker, D. S.
Kirk, P.
Knatchbull, rt.hn.SirE
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Lennox, Lord A.
Leslie, C. P.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lopes, Sir R.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackinnon, W. A.
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
March, Earl of
Marsham, Visct.
Marsland, H.
Martin, C. W.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neeld, J.
Neville, R.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
Oswald, A.
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pigot, Sir R.
Polhill, F.
Powell, Col.
Praed, W. T.
Price, R.
Ricardo, J. L.
Richards, R.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, C.
Ryder, hon, G. D.
Sanderson, R.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Smyth, Sir H.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Ald.
Thornely, T.
Thornhill, G.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Turnor, C.
Verner, Col.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. E.
Walsh, Sir J. B.
Warburton, H.
Welby, G. E.
Wellesley, Lord C.
Whitmore, T. C.
Wood, Col.
Wortley, hn. J. S.
Wortley, hn. J. S.
Wyndham, Col. C.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

Paired Off (Not Official).

AYES.	NOES.
Acheson, Lord	Bailey, J. jun.
Blewitt, R. J.	Cresswell, B.
Bowes, J.	Masters, T.
Butler, Col.	Tyrell, Sir J.
Cayley, E. S.	Scott, F.
Corbally, M. E.	Pakington, J.
Gill, T.	Boyd, J.
Gisborne, T.	Forbes, W.
Hey, Sir A. L.	Broadwood, H.
Hatton, Capt.	Conolly, Col.
Heron, Sir R.	Greenall, P.
Listowell, Earl	Alexander, N.
Langton, Col.	Wynn, C.
O'Brien, C.	Bell, M.
Oswald, J.	Bernard, Lord
Roche, Sir D.	Coote, Sir C.
Somerville, Sir W.	Stanley, E.
Trelawney, J. S.	Pringle, A.
Villiers, hon. C. P.	Lindsey, H.
Ward, G. H.	Douglas, Sir C.
Westenra, hon. J.	Baldwin, B.
White, S. W.	Bruce, C.
Winnington, Sir T.	Hinde, H.

Mr. *Miles* said, that as the opinion of the Committee was against his Amendment he should not persist any further.

House resumed. Committee to sit again.

NIGHT POACHING PREVENTION.] On the Order of the Day for taking into consideration the Lords' Amendments on the Night Poaching Prevention Bill, and on the question that the said Amendments be now read a second time,

Mr. *Warburton* complained of the objectionable nature of the measure, and moved that the consideration of the Amendments be postponed to this day.

The House divided on the question that the words proposed to be left out stand part of the question, the numbers were :— Ayes 37; Noes 5: Majority 32.

List of the AYES.

Archbold, R.
Barrington, Visct.
Bentinck, Lord G.
Berkeley, hon. Capt.
Boldero, H. G.
Borthwick, P.
Buller, Sir J. Y.
Clerk, Sir G.
Darby, G.
Drax, J. S. W.
Drummond, H. H.
Eliot, Lord
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Graham, rt. hn. Sir J.
Greene, T.
Hayes, Sir E.
Henley, J. W.
Herbert, hon. S.
Hill, Lord M.

Jermyn, Earl	Stewart, P. M.
Lennox, Lord A.	Sutton, hon. H. M.
Lincoln, Earl of	Thessiger, Sir F.
McNeill, D.	Wawn, J. T.
Nicholl, rt. hn. J.	Whitmore, T. C.
O'Connell, M. J.	Worsley, Lord
Peel, J.	Young, J.
Rashleigh, W.	TELLERS.
Smith, rt. hn. T. B. C.	Wallace, R.
Smollett, A.	Berkley, G.

List of the NOES.

Collett, J.	Roebuck, J. A.
D'Eyncourt, rt. hn. C. T.	TELLERS.
Escott, B.	Warburton,
Hawes, B.	Brotherton, J.

Main question again put. Consideration of the Amendments deferred till the next day.

House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Tuesday, June 18, 1844.

MINUTES.] BILLS. *Public.*—1ª. Charitable Donations and Bequests for Roman Catholic Ministers in Ireland.

3ª. and passed:—Slave Trade Treaties.

Private.—1ª. Leeds Vicarage (Dr. Hook's).

2ª. Southampton Improvement; Sheffield, Ashton-under-Lyne, and Manchester Railway (Ashton-under-Lyne and Staleybridge Branch); Canterbury Pavement; Manchester Stipendiary Magistrates; Manchester Bonding; Slamannan Railway; Eastern Union Railway; Ashton, Staleybridge, and Liverpool Junction Railway; Devaynes's Estate; Ladbroke's Estate.

Reported.—British Iron Company; South Devon Railway; Brighton, Lewes, and Hastings Railway; Edinburgh and Glasgow Railway; Garnkirk, Glasgow, and Coatbridge Railway.

3ª. and passed:—Salisbury Branch Railway; Nottingham (West Croft Canal) Improvement; Chester and Holyhead Railway.

PETITIONS PRESENTED. By Lord Redesdale, from Hartburn, for Protection to Agriculture.—From Stow, for the Adoption of Measures for more effectually Suppressing the Crime of Arson.

PARISH OF LEEDS.] Lord *Wharncliffe* laid on the Table a Bill

"To authorize the division of the Parish and Vicarage of Leeds, in the County of York, into several Parishes and Vicarages."

In moving that the Bill be read a first time, the noble Lord observed, that the measure was introduced at the instance of Dr. Hook, the Vicar of Leeds, who was most anxious to provide for the spiritual destitution of the inhabitants of that very populous district. The object of the Bill was in the highest degree praiseworthy; and, if their Lordships passed the measure, he was convinced that it would be extremely beneficial to that extensive district.

The Earl of *Ripon* said, that being officially connected with this parish, and as he could not be present at the future stages of the Bill, he wished to make a few observations, in order to quiet some apprehensions that were felt with respect to the nature of this measure. The Bill originated in a petition from the Vicar of Leeds, which had been laid on their Lordships' Table. That petition having been referred to the proper authorities, they had reported that the proposition was one that ought to be entertained; and they recommended that their Lordships should agree to the prayer of the petition, and pass a measure for the division of the parish of Leeds into several parishes and vicarages. What was now sought to be done was entirely conformable to the ancient practice of the Church. The want of some such measure as that which was now before them, had long been felt. So long back as the year 1676, a proposition was made for dividing this parish, although the population did not amount to more than one-eighth of the present number. Dr. Hook, knowing to how great an extent spiritual destitution prevailed in this extensive parish, had taken advantage of the Act of last Session, which had for its object the providing of spiritual instruction for districts where the population was numerous and the means of instruction scanty. By that Act the Queen in Council was empowered to form new districts, which, as soon as a Church was erected, were to become parishes for spiritual purposes. The Ecclesiastical Commissioners were empowered to grant endowments to the Churches so erected, under certain conditions—amongst which were, that the nave of the Church should be free, and that a house should be provided in each district for the Minister. The Bill now before their Lordships, in conformity with this Act, proposed to empower the Ecclesiastical Commissioners to constitute the existing Churches in Leeds parish Churches, and by the 18th Section of the Bill, the nave or body of the Church, was to be free, and placed under the control of the ordinary and churchwardens, in conformity with the Ecclesiastical Law of the realm; a house of residence for the incumbent of each Church was to be provided; the incumbents of the several Churches would become vicars, and the districts annexed to the respective Churches, parishes, for spiritual purposes only. Dr. Hook, in proposing this alteration, had foregone power, patronage, and emolument—he was perfectly satisfied

to make this great sacrifice, if he could only procure so desirable a boon for his parishioners—such disinterested conduct, he was sure, deserved, and would obtain, the highest praise and approbation. This division of the parish of Leeds involved a sacrifice, on the part of Dr. Hook of from 500*l.* to 600*l.* per annum, being almost one-half of his income, and the patronage of ten Churches. The poor would, under this Bill, have free access to the new Churches; and, as it was proposed that the parishes to be created, should correspond, as to population, with the accommodation provided in the respective Churches, no confusion or inconvenience could possibly arise. Some rights of property would inevitably be extinguished; but those of occupancy, as being subordinate to the superior title of the churchwardens, would, in the case of parishioners, be almost invariably retained. He had thus given a very brief outline of the measure; but he hoped it would satisfy their Lordships that the proposition was entirely in accordance with the ancient practice of the Church. The measure was, he conceived, eminently calculated to promote spiritual instruction amongst the poor, and to penetrate that dense mass of vice and infidelity which unfortunately was found in this very populous district. It would also, he hoped, have the effect of removing that difference of feeling between the higher and the lower orders which circumstances had too much occasioned in these quarters.

Bill read a first time.

SLAVE TRADE.] Lord *Wharncliffe* moved the third reading of the Slave Trade Treaties Bill.

The Earl of *Minto* said, he had no doubt that this Bill was a beneficial one, but he would take that opportunity to draw the attention of their Lordships to the present state of the Slave Trade in Cuba, and to the inefficient manner in which the Treaties for the suppression of that trade had been executed by Spain. During the regency of Espartero the Spanish Government took every possible means to put an end to the Slave Trade in Cuba. But, he understood, that since the change in the Spanish Government the Slave Trade had been revived to a very great extent; and the same fees had been established, for the benefit of the Governor of Cuba, on the importation of slaves, as had formerly existed. He believed that all the representations made on the subject by the British Government had been treated in the most unbecoming manner. He hoped the noble Earl would be able to declare that those statements had been exaggerated, or, at all events, that Her Majesty's Government had done all in their power to enforce the observance of the Treaty.

The Earl of *Aberdeen* said, it was unfortunately too true that a great increase had taken place in the Slave Trade at Cuba; and he was sorry to say, that there was little or no exaggeration in the statement of the noble Earl. At an early period of the last Session he had expressed a very sanguine hope that the Slave Trade would speedily cease in the island of Cuba, owing to the great exertions of the Captain-General Valdez, who then ruled there. But he should observe that General Valdez had gone far beyond the intentions expressed, and the instructions given by his own Government, in carrying the treaty into effect; for he believed that had the Governor of Cuba depended on the Government of Madrid that very little would have been done to check the Slave Trade. Before his recall he had done everything in his power to carry the Treaty with this country into effect. By his strenuous exertions the importation of slaves which had been carried on to the enormous extent of 40,000 annually, was diminished to 3,000, and, he was very sorry to own, that in the first month of the present year, as many slaves were imported as had been imported during the whole of the last year of the government of General Valdez. He believed the noble Earl was quite right in attributing this increase of the Slave Trade to the change of system in the Government of Madrid. He need not say that nothing would be wanting on the part of Her Majesty's Government to prevent the continuance of this traffic. He would, however, rather not at present enter into any particulars as to the steps that had been taken for that purpose; but he could not but hope that they would be attended with success. The noble Earl must be aware that all these treaties touching the Slave Trade had been but imperfectly executed by Foreign Powers. The noble Earl had only mentioned the case of Spain; but there was no doubt that the same observation might be made with respect to Brazil; for he was com-

pletely certain, that from one end of that empire to the other, the provisions of those Treaties were set at nought. He hoped, however, that, before long, improvement in this respect would be effected, both in Brazil and Cuba, and, undoubtedly, Her Majesty's Ministers would not relax in their endeavours to cause those Treaties to be respected.

Bill read a third time and passed.

INCENDIARY FIRES.] The Earl of *Stradbroke* presented a Petition from Stow, in Suffolk, expressing the feeling of the Petitioners respecting the late fires in that county, and stating, amongst other things, that those fires were not confined to hours of darkness, but that such was the boldness of the perpetrators, they sometimes selected the daylight, and even the hours of Divine Service, for the accomplishment of their wicked designs. The Petitioners prayed their Lordships to take the subject into their immediate consideration, and by the appointment of a Commission or otherwise to inquire into the cause or causes of the increasing evil. It was not his intention to speculate as to those causes which produced these fires; but he might perhaps be allowed to state, that as far as he could form an opinion from the evidence which had come before him, he was inclined to say that they had been committed either by children or by persons of dissolute character. They might proceed from various causes, but he was disposed to attribute them to the existence of a large and gradually increasing population, who, owing to deficiencies in the harvest, found it extremely difficult to obtain constant employment. What he wished to call the attention of Her Majesty's Government to was, that under the Act for punishing persons guilty of these offences—guilty of setting fire to sheds in fields—there did not appear to be any adequate punishment. He believed it had been decided by the Judges that a Magistrate could not send persons for trial, or render them liable to a punishment for felony, merely on account of fires of this description. An instance occurred in Stowmarket where the parties were arrested, but the Magistrates were obliged to discharge them, believing that they could not commit them to trial for a felony. Another point was this—that under the same Act the utmost punishment which could be inflicted for setting fire to standing crops was transportation for seven years; and he was one of those who felt that that was not an adequate punishment for such an offence.

Lord *Denman* said, that there was a difference of opinion amongst the Judges as to the firing of outhouses being punishable as a felony. Some Judges had considered, without any doubt, that the burning of detached dwellings and outhouses was so punishable; but others were of opinion that an outhouse meant something near the dwelling. He would take the liberty of suggesting, since there was a doubt on the subject, that there would be no impropriety in introducing a measure to make the law clear, and to provide distinctly that the setting fire to outhouses fell within the crime of arson. He regretted to hear the noble Earl attribute those unfortunate and atrocious acts to some state of the population in general. According to the experience which he (Lord Denman) had an opportunity of forming throughout the country, he would not say that those fires were attributable to any general cause of the kind. In no one instance that came within his observation could he say that they were symptomatic of a general state of discontent. On the contrary, when there had been several fires in the calendar, and when the first impression respecting them had been that which the noble Earl had stated, he was surprised to find that each particular case was attributable and traceable to some particular cause, and to the want of feeling upon the part of some extraordinary mischievous, stupid, and ignorant person.

Lord *Campbell* agreed in what had fallen from his noble and learned Friend, and thought, that if the present state of the law was defective, it ought to be amended. He rejoiced that the noble Earl had not joined in the cry respecting the mitigation of the penal code in cases of arson. His (Lord Campbell's) belief was, that the mitigation of the severity of the law in this, as in other cases, had had a strong tendency to lessen the number of those offences.

Lord *Wharncliffe* said, he would mention to the Secretary of State for the Home Department the suggestions which had been made, and which he was sure would receive his attentive consideration.

Petition laid upon the Table.

House adjourned to Friday.

HOUSE OF COMMONS,

Wednesday, June 19, 1844.

MINUTES.] BILLS. *Public.*—2°· Copyholds Enfranchisement.

Private.—2°· Earl of Guilford's Estate.

3°· and passed:—Rigby's Estaie; Wells Harbour and Quay.

VESTRIES IN CHURCHES.] On the question that the Speaker do now leave the Chair for the House to go into Committee on the Vestries in Churches Bill,

Mr. *Hume* wished to know why a practice which had existed since churches were churches, the practice of transacting all the business of the church in the church, ought now to be done away with? What evil was there complained of, and who were the parties before the House? He knew of none, and on that ground he thought that the measure ought at once to be rejected. If hon. Members would look at the expense to which parishes would be subjected by the measure, they would feel that nothing but the greatest evils would authorize it, preventing as it would the business of the church being transacted in the church, and compelling the parish to find other buildings, or to erect rooms for that purpose. He (Mr. Hume) had looked at the possible operation of the Bill, and it appeared to him that no one benefit could result from it, but that it must be the cause of expense. Let them abolish Church Rates, and thereby prevent irregularities from taking place. No disputes ever occurred at Vestries, except on meetings to pass Church Rates. Every parishioner was subjected to these charges, and therefore had a right to attend; and where one-half of them was in such a situation as to consider themselves entitled to dispute their responsibility, it was impossible to suppose that they could be quiet and submit to the tax. He objected to the course taken by the hon. Member, and would move that the House resolve itself into a Committee that day six months.

Mr. *Stafford O'Brien* said, the hon. Member had confined himself to the principle of the Bill, and he would venture to take the sense of the House upon that principle. Rather than mention names or interrupt the harmonious discussion of the measure, he was determined at present, as on a former occasion, to endure the disadvantage of appealing only to the general principle and to common report. He would ask whether any one were prepared to deny that scenes of disorder had taken place in churches. If hon. Members thought it better not to change the present system of transacting vestry business, they would vote against the Bill; but if they thought it right to prevent the recurrence of the scenes which had taken place under that system, then they would vote in its favour. The details of the Bill he was not determined to adhere to, and he then only advocated its principle.

Sir *J. Graham*, since the last discussion of the subject had had an opportunity of considering the measure, and, as the principle of the Bill met with his entire approval, he would support the Motion for going into Committee. As to the details, they might, be improved, and he had offered his hon. Friend (Mr. S. O'Brien) the assistance of the Law Officers of the Crown in improving them. If the hon. Gentleman adopted his suggestion, he should wish the House to go into Committee *pro formâ* upon the Bill, for the purpose of having its details altered.

Captain *Pechell* said, if the clergymen of the twelve churches in his neighbourhood were consulted, it would be found that in their opinion the church was the place for transacting its own business. There was no place where Church Rates had been more frequently discussed, and he was bound to say that he had never heard of a complaint made of any indecorum in the church. As he had reason to believe that the measure had excited great distrust and dissatisfaction he would support the Amendment.

Mr. *T. Duncombe* said, that when the Ecclesiastical Courts' Bill was under the consideration of the House, and a clause therein was discussed, the author of the Bill said that it had been retained to prevent the occurrence of any scandal in churches, but now it seemed that the country was to have another Bill upon the subject. He begged to remind the House, that when another hon. Member had brought in a Bill (the Masters and Servants' Bill) the House was requested to go into Committee *pro formâ*, to introduce certain Amendments of the right hon. Baronet. When these Amendments had been made the Bill came from the Committee ten thousand times more objectionable than when it came in. The moment when the right hon. Baronet the Secretary for the Home Office took one

of these Bills under his protection, some how or other it was perverted; for every thing that came within the circle of the Home Office, became worse than before. Such would be the course with this measure, and he advised the hon. Member opposite (Mr. S. O'Brien) to stick to his own Bill. He could not agree to its going into Committee *pro formâ*, merely to be experimented upon, and he hoped that the House would reject it altogether.

Mr. *Escott* said, that no statement had been made of the necessity of such a measure, and as the hon. Member (Mr. S. O'Brien) would not make such a statement because it would raise animosity; he knowing nothing of private squabbles, must ask his hon. Friend or some other Member to state the reasons for supporting it? From every thing which he had heard, he was opposed to the Bill in principle, if its object was to effect an alteration in the common law of England in parochial matters. That church business should be transacted in the church tended to keep the Church and the people together. The Church of England was the people's Church, and he believed that this was one of those measures the tendency of which were to alienate from the Church the affections of the English people.

Mr. *R. Yorke*, after the extraordinary statement of the right hon. Baronet, that he was prepared to support the principle of the Bill to which he had a few nights ago objected, he was tempted to vote against it, thinking it extraordinary, if not censurable on the part of the Government that, with such information in their possession as to the necessity of some legislation on the subject, they should suffer a private Member to bring forward a proposition to that effect.

Viscount *Palmerston* said, he should vote in support of the Amendment of his hon. Friend. The Bill would effect an alteration of a practice of long standing, and congenial to the feelings of the people. He objected to an alteration being made without sufficient reason, and no specific grounds had been alleged for this Bill. His objection to the measure was not diminished by the observations of the right hon. Baronet the Secretary for the Home Department, who admitted, although the Bill was exceedingly short, that many things in it required to be altered. The right hon. Gentleman proposed to have recourse to the advice of the Law Officers of the Crown, and that the Bill should be committed *pro formâ* for the purpose of making changes. He would suggest to the right hon. Gentleman, that it would be better for him to let this Bill drop; and after consultation with the Law Officers, introduce a short Bill, if one were found to be necessary.

The *Solicitor General* had a few words to say as to what had passed on a former day. He had not attended to the details of the Bill, because his engagements were very numerous, and unless his attention was called to the subject, he was not likely to be master of it. He quite agreed with his hon. Friend, Mr. S. O'Brien in the principle of the Bill. He apprehended that the object of the Bill was to prevent vestry meetings in churches. He had occasion within the last two or three days to become acquainted with facts which appeared to render a Bill of this kind essential. In a large and populous parish in the neighbourhood of the metropolis, a vestry meeting took place in the church, and the entire proceedings were such as he believed no person of good feeling could justify. The meeting took place at three o'clock in the afternoon; an evening service was to be celebrated afterwards. The meeting was large and disorderly. The place he alluded to was Shoreditch. The disorderly nuisance continued till the time for attendance upon service, and the meeting was obliged to be dispersed for that purpose, when the church was in a state which rendered it totally unfit for the decencies of worship. This was not a solitary case, and undoubtedly he felt strongly the propriety of preventing, if possible, meetings of the kind in churches. He did not see the Member for Bath in his place; but he would not be ashamed to contend in his presence, that he was one of those, who, whenever they enter a place dedicated to the service of God (call it prejudice, or weakness, or what they might, but it arose from associations of the most sacred description) were inspired with a feeling of reverential awe. He was extremely desirous of preventing the desecration of places applied to such holy purposes, by preventing meetings therein of a disorderly character. He thought, therefore, that the House ought to go into Committee *pro formâ* on the Bill, and that it afterwards might be so modified as to meet the views of the right

hon. Baronet, the Secretary for the Home Department.

Mr. *E. Denison* said, that the Bill, as it at present stood, was an unnecessary piece of legislation, and if the House divided on the subject, he must give his vote against it.

Mr. *Ewart* said, before the House attempted to suppress any local disturbances which might have taken place in particular churches, it ought to remove Church Rates and other *gravamina* of those disturbances, instead of dealing summarily by the rate-payers, and turning them out of the churches. He believed, that the disturbances in Shoreditch took place five or six years back, and were no justification of the present measure.

Captain *Rous* said, that the Solicitor General had founded his argument in support of the Bill upon one point, namely, that men were retrograding instead of improving; that they were going back in the world, and becoming worse rather than better; in short, that they were not fit to be trusted, and that new buildings must be erected in order that when people had unpleasant things to say to each other, they might not use improper expressions in churches. Now, he believed his constituents would be very unwilling to lay out more money for such purposes, and as he had a very good opinion of mankind in general, and thought such a measure as the present for their restraint, not only wholly unnecessary, but a positive insult to every rate-payer in England, he should give his vote against going into Committee on the Bill.

Mr. *Wakley* expressed his admiration of the speech made by the hon. and gallant Member for Westminster, and said, he should be glad to hear more of the same kind from the opposite side of the House. Everybody he met out of doors, was asking him, what could be the meaning or intention of this Bill?—what was its object?—what was its motive? After the right hon. Gentleman, the First Lord of the Treasury, having, as he understood, expressed in unmeasured terms his disapprobation of the Bill, the right hon. the Home Secretary now declared his approbation of its principle—that principle being, that the rate-payers should not meet in their own churches on parochial business. One would really suppose that the object of those who supported the Bill was, to drive people from all connection with the Church. What nonsensical cant it was to talk of disgraceful or immoral speeches degrading or contaminating the walls of a building! Why, if that were possible, he should like to know in what condition were the walls of the building in which they were assembled? If disgraceful, immoral, canting, hypocritical language could contaminate the walls of any institution, he said, it must be positively dangerous to human life, for any man to enter there. The right hon. Home Secretary was anxious that the Bill should go to Committee *pro forma*—in other words, that it should become a Government measure. Now, he said, let the House not have a hybrid measure. Let this Bill be withdrawn, and one be introduced on the responsibility of Government, and let us see whether a Conservative Government—a Government professing high Church principles—were prepared, with respect to parochial Ecclesiastical matters, to drive the people from the Church. Let it be seen who were the real friends, and who were the enemies of the Church. He begged of every Gentleman who was in favour of this Bill to recollect, that by voting for any further stage of it, he was voting for an additional burthen upon the rate-payers.

Mr. *O. Stanley* would vote against the Bill, because he did not believe there was any necessity for it, and there was no demand for it out of doors.

The House divided on the question, that the words proposed to be left out stand part of the question—Ayes 87; Noes 73: Majority 14.

List of the Ayes.

Acland, Sir T. D.	Courtenay, Lord
Acland, T. D.	Cripps, W.
Adare, Visct.	Darby, G.
Allix, J. P.	Dickinson, F. H.
Astell, W.	Egerton, W. T.
Baird, W.	Eliot, Lord
Baring, hon. W. B.	Fellowes, E.
Baskerville, T. B. M.	Flower, Sir J.
Blackstone, W. S.	Fuller, A. E.
Borthwick, P.	Gaskell, J. Milnes
Botfield, B.	Gladstone, rt.hn.W.E.
Bruges, W. H. L.	Goulburn, rt. hn. H.
Buck, L. W.	Graham, rt. hn. Sir J.
Buckley, E.	Greene, T.
Buller, Sir J. Y.	Grimsditch, T.
Chelsea, Visct.	Grogan, E.
Clerk, Sir G.	Hanmer, Sir J.
Clive, hon. R. H.	Heathcote, Sir W.
Cochrane, A.	Heneage, G. H. W.
Colvile, C. R.	Henley, J. W.

Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Houldsworth, T.
Hughes, W B.
Jermyn, Earl
Johnstone, H.
Lefroy, A.
Legh, G. C.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Mackinnon, W. A.
Manners, Lord J.
Masterman, J.
Maunsell, T. P.
Mildmay, H. St. J.
Nicholl, rt. hn. J.
Norreys, Lord
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Pusey, P.
Rashleigh, W.
Rolleston, Col.
Round, C. G.
Rushbrooke, Col.
Sandon, Visct.
Shaw, rt. hn. F.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stanley, E.
Sutton, hn. H. M.
Thesiger, Sir F.
Tollemache, J.
Trench, Sir F. W.
Verner, Col.
Vesey, hon. T.
Walsh, Sir J. B.
Whitmore, T. C.
Wodehouse, E.
Young, J.

TELLERS.

O'Brien, A. S.
Denison, E. B.

List of the NOES.

Aldam, W.
Archbold, R.
Armstrong, Sir A.
Bannerman, A.
Barnard, E. G.
Barron, Sir H. W.
Bellew, R. M.
Bouverie, hn. E. P.
Bowes, J.
Brotherton, J.
Chapman, B.
Christie, W. D.
Collett, J.
Cowper, hon. W. F.
Craig, W. G.
Denison, J. E.
Divett, E.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Easthope, Sir J.
Escott, B.
Esmonde, Sir T.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fielden, J.
Guest, Sir J.
Hawes, B.
Hill, Lord M.
Howard, hn. C. W. G.
Howard, P. H.
Humphery, Ald.
Lemon, Sir C.
McGeachy, F. A.
Maher, N.
Martin, J.
Mitchell, T. A.
Morris, D.
Morrison, J.
Murphy, F. S.
O'Brien, J.
O'Connell, M.
Ogle, S. C. H.
Paget, Col.
Palmerston, Visct.
Pechell, Capt.
Philipps, G. R.
Philips, M.
Plumridge, Capt.
Price, R.
Rawdon, Col.
Ricardo, J. L.
Roebuck, J. A.
Ross, D. R.
Rous, hon. Capt.
Scott, R.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Stanley, hon. W. O.
Stansfield, W. R. C.
Thornely, T.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Wallace, R.
Watson, W. H.
Wawn, J. T.
White, H.
Williams, W.
Wyse, T.
Yorke, H. R.

TELLERS.

Hume, J.
Duncombe, T.

Question again put, that the Speaker do now leave the Chair.

Mr. *Hume* moved that the House do adjourn. If there was any case of evil or irregularity in any particular parish, let the individual case be made out, and let the House then act upon it; but let not all the parishes in the country be punished for the alleged fault of one. At present the ratepayers elected the churchwardens, and they, in conjunction with the clergyman, had the care of the church. This power the Bill proposed to take from them. Talk of Radicalism—why, language would not be strong enough to paint him in the colours in which it would be said he ought to be depicted, if he made such an attempt to destroy the Church. What would be the effect of this measure? The people, if driven from the church, would be compelled to take refuge in the "Horseshoe and Magpie" next door, and was it supposed that texts of religion and morality would be the subjects of discussion there? With his notions of the Church, seeing its grasping character, its tenacity of pounds, shillings, and pence, and its eagerness of domination, he might be gratified to see it adopt every measure that was unpopular, and thus remove the little confidence that remained to it. He said this was a general measure of robbery of the rate-payers, and that the House had no right to subject to the exclusion enacted by this Bill, until it relieved them from all payments for the maintenance of the church. There had been innovation enough already. Formerly every ratepayer had the right of being present at the vestry, and the humblest had the same power as the richest man in the land; but Sturges Bourne's Bill gave cumulative votes to persons of property, so that the affairs of a parish might be decided by one fourth of the inhabitants. Let the House see how far it would be popular to transfer the rights of a whole parish to a Bishop. Let any one who had read the proceedings of the Bishop of Exeter in the case of the Rev. Mr. Dunn, consider how the people of the diocese of Exeter would like to be placed under the harrow of that right rev. Prelate. He hoped the Government would not hurry the House into a measure so extremely objectionable as the present.

Mr. *Roebuck* seconded the Motion for adjournment. Having been alluded to by the Solicitor General, he wished to state very briefly his objection to this Bill

Under the old system, when they were all Catholics together, the custom prevailed, which was continued when they became Protestants, of a large portion of that which was regarded as ecclesiastical business being considered in the church. The regulation had come down to them from their ancestors: but for these regulations an infinite horror was expressed by the present generation—this extraordinary peculiarly improved prudish generation. The hon. Member for Northamptonshire said those things should no longer take place in the church—he did not say where these things which excited his horror had taken place, nor did any one else say where. He did not know if anything had been stated that had created scandal, but he had affirmed on a former occasion, that anything that did occur within the walls of a building could not desecrate that building. It was strange that those who professed to feel such awe on entering a church, should be extremely anxious to import Church matters into the Magpie and Stump, or the Red Lion. Many persons who would not on any account commit a crime in a church, might easily and readily fall into the commission of one in a tap-room. He looked upon the Bill, therefore, as one calculated to entrap people into the commission of offences. In his opinion ecclesiastical matters ought to be discussed within the church walls, and so sacred did he hold a place of worship, that nothing which occurred within it could lower or degrade either the place itself or the holy doctrines inculcated in it. He believed that persons supporting this Bill were influenced by mistaken notions of Popery, and they fancied that secular matters should not be transacted within the church. According to the law of England, ecclesiastical matters could be best considered within the church walls, and the church walls would not be affected by it. The contrary was the supersublimated Popish doctrine of the sacredness of the church.

Sir *R. Peel* had no intention to hasten this Bill through the House. He had taken no course with respect to it which should have subjected him to that imputation. When the Bill was under discussion the other night he had stated that he thought valid objections had been urged against some of its provisions, and that opinion he still entertained. For instance, he thought the clause which gave the Bishop the power of granting a license for the purpose of holding particular meetings, and afterwards withdrawing it at his own discretion, was liable to serious objec on; and he hoped his hon. Friend would not be unwilling to modify that part of the Bill. Again, he should decidedly object to the Ecclesiastical Law being transferred to the room of the inn where the meetings might take place, and he should be prepared to modify the Bill in that respect. He could not help thinking that the hon. and learned Member had dealt in great exaggeration in urging opposition to this Bill. He assumed, not only that the parishioners would be congregated in an inn, but he dwelt on the particular tavern, and the particular sign of the house—"the Red Lion," or "the Horseshoe and Magpie"—where would be collected all that was vile. The hon. and learned Gentleman insisted that there was no sacredness attached to the walls of the church; if no sanctity attached to the locality, surely the meeting at the inn should not be prejudiced on account of some particular indecorum attaching to those who sometimes assembled there. If the principle was good in one case it applied also to the other. He recommended the House to go into Committee *pro forma*, with the view of making some amendments; the Bill might then be reprinted, and they would have another opportunity of discussing its provisions in their altered shape. That was not, he felt, an unreasonable proposal.

Mr. *Sheil* was one of those who thought with the Solicitor General, that the *religio loci* attached peculiarly to places in which divine worship was performed; and yet, with this feeling on his mind, he must observe, that he had attended Roman Catholic places of worship, on various occasions, when matters not strictly ecclesiastical were discussed, and never had he witnessed scenes either of disorder or of desecration, and he could not help thinking that, by adopting the proper precautions, they might prevent the evil which was now apprehended, and this without interfering with a usage that had existed before the Reformation, and had continued three hundred years under the new system. In proposing the present change, it was to be observed that it was open to a double objection; first it was a change from that which had been long established, and next it was attended with

cost. He doubted if it could be beneficial to the church itself. Surely a clergyman, respectable by his own character, must be able, presiding over an assembly in a church, to check insubordination, whilst the same influence might be lost to him if they removed to another building, to which no peculiar feelings of respect attached. The hon. Solicitor General declared that he felt an awe in entering a church. He was glad to hear that the hon. and learned Gentleman did feel that awe, and that he went to church. In this the hon. and learned Gentleman differed from Lord Eldon, who, when asked why he was not oftener seen in church, answered "that he was one of the buttresses of the Church, and supported it from without." He was glad to find that the hon. and learned Gentleman supported it from within; but that was no reason why the people should be put to an additional expense. Why had they not proposed to extend this Bill to Ireland, as Vestries were held there for parochial purposes? Would it not be better for the Government to consider whether they could not remove that which was the source of all these quarrels and dissensions? Let them imitate Him, "who preferred to all temples the upright heart." If they did not do so, they would only transfer the conflict from the church to "the Crown and Mitre." It would be much better to get rid of the cause of the war itself.

Mr. *Darby* said, it could not be denied that scenes of a disgraceful kind took place at Vestries, and he was sure that there was no hon. Member in the House who would not be desirous to put an end to scenes of this description. He was sure that his hon. Friend would be content to go into Committee, and to propose any amendments that he thought advisable in order to have them printed. He would support the Bill, which he considered to be a desirable measure.

Mr. *Watson* observed, that where a law was to be altered which was very ancient, it was very extraordinary that such an alteration was proposed by a single Member of that House. If such a Bill were to be brought in, it should be brought in by Her Majesty's Government. What evils were to be remedied by this measure? Not one of the hon. Gentlemen opposite had given the slightest reason why the Bill should be passed. The hon. Members for Sussex and Northampton had said that quite shocking evils had taken place. Now he should like them to state what they were. The Solicitor-General had referred to Shoreditch. Why the law had provided a remedy against those scenes. He was quite sure that the Solicitor-General and the Judge-Advocate knew that for brawling a man could be brought into the Ecclesiastical Courts, and punished there more than any humane man could desire. He wished next to know whether ecclesiastical matters could be better discussed in the church or elsewhere? There was the awe of the church, and the great respect for the clergyman in the church, to inspire propriety. What then could be the advantage of removing the clergyman to the Crown and Sceptre? Was there less likelihood of brawling there? Why this was a Bill to allow brawling. Did they suppose that amidst smoking and drinking the clergyman could inspire respect? At present the discussions might be properly carried on, but they never could have a "dry" discussion at the Crown and Mitre. They wished, it was said, to prevent scandal to religion; but could they prevent scandal at a drinking meeting? It was said that the Bill was to prevent the desecration of the church. What cant! What hypocrisy! Why, was not the noblest church of the land desecrated every hour of every day by the payment of a paltry 2*d.* by every Christian who wished to see its glories and its wonders? If the Bill passed, it would depend hereafter upon a Bishop whether great musical meetings—oratorios—calculated to inspire respect, should take place in a church. He wished to observe there was no petition in favour of this measure, and he trusted that the Bill would be thrown out.

Mr. *Escott* observed, that the right hon. Gentleman (Mr. Sheil) had asked why Ireland was not included in this Bill? He believed he could say that Ireland was indebted for the omission to the Recorder of Dublin, who had represented that Ireland would be indignant against the Bill, and the hon. Member for Northampton having some notion as to what Irish indignation was, between them they excluded Ireland. He had so often asked his hon. Friend his reason for bringing in his Bill, and had been so constantly left without an answer, that he did not now mean to repeat the question,

But the Solicitor General seemed to suppose he had given reason enough, when he mentioned the parish of Shoreditch. But surely that was no reason why the Bill should be made to affect all England. He asked his hon. Friend whether, after the division that had taken place, he had any hope of carrying his Bill. It was plain he could not carry it, therefore his hon. Friend ought at once to withdraw it.

Mr. *Shaw* observed, that one of the reasons for omitting Ireland from the Bill was, that the parish business in Ireland was discussed in the vestry room, and not in the church. There was another reason —that he did not wish to see parishes hiring large rooms for the purpose of debates. That certainly was an additional reason. The object of the Bill was to provide a remedy against brawling in churches —to prevent rather than punish; and he must say that he had seen reported in the papers most disgraceful scenes as taking place in churches in this country.

Mr. *Wakley* said, that the House would have been perfectly satisfied with the statement of the right hon. Gentleman, without troubling him for his opinion. The Bill was just as objectionable here as it was or could be in Ireland. The hon. Member for Winchester had expressed his surprise that no reason had been given for the Bill. Nothing was more easy of explanation. No reason could be given for it. The hon. Member who introduced the Bill was influenced by his feelings, and, however his feelings might be, that was not sufficient for the House to accept or adopt it. The right hon. Gentleman the First Lord of the Treasury had shown by his speech, and still more by his manner, that he did not like the Bill. Now, he could assure the right hon. Gentleman he was strong enough in his position to reject this Bill. Let, then, the right hon. Gentleman at once boldly and manfully speak out in his most energetic manner against this Bill. But why did not the right hon. Baronet do so? He did indeed recollect that, upon a late occasion, amongst the cold agriculturists on the opposite side of the House, the Mover of this Bill was almost the only one — he believed the only one—who was found to make a speech in defence of the right hon. Baronet. The right hon. Baronet felt for this, of course, a great deal of gratitude; but even that itself was not a good foundation for legislation. Neither the feeling of the hon. Gentleman nor the gratitude of the right hon. Baronet, constitutes a sufficient foundation for the adoption of a measure of this kind. Was, he asked, the Church strong enough for a measure of this kind? Was there not rather an hostility to the Church, that ought not to be further provoked by such a measure as this?—a measure which would transfer the power from those elected by the people, in reference to the holding of meetings in the church, to the Bishops; so that the rate-payers of a parish wishing to hold a meeting in the church should apply to the Bishop, and the Bishop could prevent the holding of meetings in the church. That was a power now vested in the churchwardens. He had been a churchwarden himself and he knew this, and on one occasion had been applied to, and found the question so difficult to determine that he had to apply to lawyers —not that he got much benefit by their opinion. It was with a friendly feeling to the Church itself he opposed the Bill. He was a member of the Church, and had always supported it, for he believed if it were an evil in itself, and they were to get rid of it, they would soon get something worse in its place. That was the feeling he always entertained towards it, and on that ground he continued to support it. Here the power was proposed to be taken from those elected by the rate-payers and given to a person elected by the Crown. He asked the Government if they were prepared to adopt a measure of that kind? Was the Bill to be withdrawn, and was another to be introduced, the principal clauses of which were to be framed by the Government? Were they to have a mule Bill, like the Masters and Servants Bill, which was full of such incongruities? Now he thought that half-horse and half-ass Bill was just as objectionable as the one before the House. He trusted the right hon. Baronet would exercise discretion, and they all knew he possessed an extraordinary extent of it, to intimate to the hon. Member for Northamptonshire that he had better withdraw it, and the Government would introduce another upon its own responsibility, if they thought legislation necessary.

Lord *J. Manners* was not desirous to enter into the merits or demerits of this Bill, but he regretted that the hon. Member for Montrose had thought proper to

make an unjust and unfounded attack upon a right rev. Prelate. ["Oh, oh."] Hon. Members might use those exclamations, but it was perfectly competent for him to express his own opinions. He should have regretted to have such an attack made upon any Prelate, but he regretted more the attack upon the right rev. Prelate in question, because he knew that there was than that right rev. Prelate, no more warm or consistent advocate of the best interests of the poor.

Mr. *S. O'Brien* having more than once adduced his reasons for the Bill, would now read some (still stronger than those which he had urged) brought forward by a paper opposed to him on this subject—*The Times*. In an article which appeared that morning it was said:—

"The grievance is this:—In the existing silence of the law on the subject, there is a very wide range of purposes for which parochial meetings may be held in a church—purposes more or less ecclesiastical—some only so inasmuch as they appertain to an ecclesiastical district, viz., the parish. There are topics of parochial discussion which are sublunary enough, such as roads, sewers, lighting, and paving; for all these, when not handed over to Commissioners, devolve on the parish. If they were discussed quietly, we presume there would be no complaint. But unfortunately, even in these topics, and still more in those wherein the Church is more nearly concerned, there is apt to be a good deal of party spirit, besides declared hostility to the Church; such as it is distressing to witness anywhere much more within the sacred edifice. Persons who make a principle, or at least a practice, of never entering those walls at any other time, feel no scruple, and find no inconvenience, in coming when a church rate is to be opposed or some 'religious luxury' to be lopped off. On these occasions, they will sometimes express themselves without much delicacy or reserve, and show as little respect for the feelings of church people as they do for the sanctity of the place. They will use language unnecessarily irritating, and introduce topics which have no other reference to the question than that they are likely to give pain and promote disagreement, besides what may be called the interjections of debate, viz., cheering, hissing and hooting, catcalling, stamping, 'Oh! Oh-ing,' 'Turn him out,' 'Question,' and the rest—all admirable in their place which, however, the Church does not seem quite to be. These gentlemen, also, not unfrequently manifest their conscientious objections to the doctrine of sacred places by other more visible forms of protest. They keep on their hats, climb the pulpit, mob the reading-desk, squat upon the communion-table, spit upon the chancel carpet, wipe their boots upon the pew-cushions, and dim the lustre of the newly-painted panels. To this it is painful to add, that eventhe best churchgoers do not universally keep their temper on these occasions."

["Where?"—"What church?"] He had repeatedly, and now once more, declared, that he would not enter into particular cases, involving, as they would necessarily do, local squabbles, and the names of parties, the allusion to which was calculated to create angry feelings, in the place referred to. He, of course, was aware that this abstinence on his part placed him at a great disadvantage, but he had weighed that consideration and thought it a less evil than the one he had resolved to avoid. He declared, however, that he had been overwhelmed with well-authenticated accounts of disgraceful scenes at vestry-meetings. He protested against the idea which appeared to prevail among Gentlemen opposite (naturally enough with those whose habit it was to confound poverty with crime) that business could not be creditably conducted at public houses. He could not enter into the question of those religious opinions on which the learned Member for Bath had chosen to be ironical. That was not the place in which he could be called upon to defend them. He had always understood that the House of Commons was the last place in which any Gentleman could be called on to discuss such topics. In proportion to the strength of feeling on such subjects and the disposition to allow others perfect freedom of conscience, was it difficult to discuss them. But if to put veneration for our churches—if to deprecate a desecration of them—if to consider that the services to which they were dedicated gave them a sanctity which ought not to be violated—if this were "supersublimated Popery" (to use the learned Member's phrase), he owned that he participated in it; not more so, he believed, than the great body even of Dissenters, who felt for their own religious edifices a veneration which he was satisfied (from their communications with him on the subject of this Bill) they desired should be extended to the Churches of the Establishment. As to the allusion to Ministerial gratitude for his speech during the recent debates, had the record of proceedings more tangible than speeches been consulted, it would have been seen his aid to the Government on that occasion had been *vox et preterea nihil*. He hesitated not, however, to avow

that he considered the course Ministers had taken on this Bill worthy of his gratitude.

Mr. *Bouverie*: He did not see why 10,000 parishes in England should be taxed for alleged misconduct in some of them.

The House divided on the question that the House do adjourn:—Ayes 75; Noes 83: Majority 8.

List of the AYES.

Aglionby, H. A.	Morris, D.
Armstrong, Sir A.	Morrison, J.
Bannerman, A.	Murphy, F. S.
Barnard, E. G.	Napier, Sir C.
Barron, Sir H. W.	O'Brien, J.
Bellew, R. M.	O'Connell, M.
Berkeley, hon. H. F.	O'Connell, M. J.
Bouverie, hon. E.	Ogle, S. C. H.
Bowes, J.	Paget, Col.
Brotherton, J.	Palmerston, Visct.
Buller, Sir J. Y.	Pechell, Capt.
Busfeild, W.	Philips, M.
Chapman, B.	Plumridge, Capt.
Christie, W. D.	Rawdon, Col.
Collett, J.	Rous, hon. Capt.
Cowper, hon. W. F.	Scholefield, J.
Craig, W. G.	Scott, R.
Dawson, hon. T. V.	Seymour, Lord
Denison, J. E.	Sheil, rt. hon. R. L.
Dennistoun, J.	Stanley, hon. W. O.
Divett, E.	Stansfield, W. R. C.
Duncan, Visct.	Thornely, T.
Duncan, G.	Tufnell, H.
Dundas, Adm.	Villiers, hon. C.
Easthope, Sir J.	Vivian, J. H.
Escott, B.	Vivian, hon. Capt.
Esmonde, Sir T.	Wakley, T.
Ewart, W.	Wall, C. B.
Fielden, J.	Wallace, R.
Fitzroy, hon. H.	Ward, H. G.
Guest, Sir J.	Watson, W. H.
Hawes, B.	Wawn, J. T.
Howard, hon. C. W. G.	Williams, T. P.
Humphery, Ald.	Wood, C.
Leader, J. T.	Wyse, T.
McGeachy, F. A.	Yorke, H. R.
Maher, N.	TELLERS.
Martin, J.	Hume, J.
Mitchell, T. A.	Roebuck, J. A.

List of the NOES.

Ackland, Sir T. D.	Cochrane, A.
Acland, T. D.	Colvile, C. R.
Adare, Visct.	Courtenay, Lord
Allix, J. P.	Cripps, W.
Baird, W.	Darby, G.
Baring, hon. W. B.	Dickinson, F. H.
Baskervifle, T. B. M.	Eliot, Lord
Bateson, T.	Farnham, E. B.
Berkeley, hon. C.	Ferrand, W. B.
Blackstone, W. S.	Flower, Sir J.
Buckley, E.	Fremantle, rt. hn. Sir T.
Clerk, Sir G.	Fuller, A. E.
Clive, hon. R. H.	Gaskell, J. Milnes
Gladstone, rt. hn. W. E.	Peel, rt. hon. Sir R.
Gladstone, Capt.	Peel, J.
Goulburn, rt. hon. H.	Pusey, P.
Graham, rt. hn. Sir J.	Rashleigh, W.
Greene, T.	Reid, Sir J. R.
Grimsditch, T.	Rolleston, Col.
Grimston, Visct.	Rushbrooke, Col.
Grogan, E.	Sandon, Visct.
Halford, Sir H.	Shaw, rt. hon. F.
Hamilton, Lord C.	Shirley, E. J.
Hanmer, Sir J.	Shirley, E. P.
Heneage, G. H. W.	Smith, rt. hn. T. B. C.
Henniker, Lord	Smollett, A.
Herbert, hon. S.	Somerset, Lord G.
Hodgson, R.	Sotheron, T. H. S.
Hope, G. W.	Stanley, Lord
Houldsworth, T.	Sutton, hon. H. M.
James, Sir W. C.	Thesiger, Sir F.
Jermyn, Earl	Tollemache, J.
Lefroy, A.	Trench, Sir F. W.
Lincoln, Earl of	Verner, Col.
Lockhart, W.	Vesey, hon. T.
M'Neill, D.	Vivian, J. E.
Manners, Lord J.	Walsh, Sir J. B.
March, Earl of	Whitmore, T. C.
Marsham, Visct.	Wodehouse, E
Martin, C. W.	Young, J.
Masterman, J.	
Maunsell, T. P.	TELLERS.
Newdegate, C. N.	Denison, B.
Nicholl, rt. hn. J.	O'Brien, S.

Main question again put.

Mr. *Hume* said, that two divisions had taken place upon a Bill of great importance, and but a small division had on each occasion declared in favour of it. He put it to the right hon. Baronet to declare candidly, whether if the sense of the House was taken upon the Bill without the interference of the influence of the Government it would not be the deliberate opinion of the majority that the measure should be rejected? The difference on the last division was only eight Members, and if the right hon. Baronet, or the hon. Member for Northamptonshire, thought they could proceed with this small majority, their mistake was lamentable indeed. He should move that the debate be adjourned.

Mr. *Wakley* said, that his hon. Friend had put a question of great importance to the House. He begged leave to put one of slight importance. He would ask, if the small majority which had declared in favour of the Bill were to be taken as at all indicative of a want of confidence in the right hon. Baronet (Sir J. Graham) should it not be taken as a sufficient reason for a reconsideration of the subject?

Mr. *McGeachy* felt it to be his duty to vote against the Bill, inasmuch as he thought it was one that was quite uncalled

for and unnecessary. If those abuses had existed in certain parishes as the hon. Member for Northamptonshire had alleged he did not think he ought to have been so squeamish as to keep the names of them from public observation. Nor should he libel the whole of the parishes in the country by a Bill of this character. But this was the hon. Member's own peculiar notion of justice. Even supposing that it was all true what they had heard respecting this brawling and disturbance at those meetings, what did it argue? That they had reduced the people of this country to such a state that they could not meet for parochial purposes in their places of worship with decency and Christian feeling. It was not by trifling bills of this nature, but by changes that went more to the root of the evil under which this country now laboured, that they could hope to provide a remedy for these abuses. They had better take measures to Christianise the people than to adopt such a Bill as this, which would only have the effect of rendering the people still more disposed to disorder than heretofore.

Viscount *Palmerston* would put it to the right hon. Baronet (Sir James Graham) and the hon. Member for Northamptonshire whether it was not apparent that the sense of the House was adverse to the Bill, and whether the Government were prepared substantially, to take this Bill under their protection as their own measure. The right hon. Baronet proposed that they should go into Committee *pro forma*, for the purpose of introducing into it such Amendments as might be suggested by the Government and the law officers of the Crown. Would it not be better, arriving, as they were at rather a critical moment, to cut the matter short, by doing in form what they had announced they wished to do in substance? Would it not be better to allow this debate to be adjourned for the purpose of affording time for consideration; and then, if the Government should think that some Bill of the kind was necessary, they should themselves introduce such Bill on their own responsibility? The hon. Member for Northamptonshire in his reply, had stated the causes upon which he founded his Bill. Now he did not quarrel with the hon. Member on that account. The hon. Member's private knowledge of certain evils might be a renown sufficiently gratifying to him; but it could not be expected that they would be sufficient to gratify the House in approving of his measure. They were ignorant of these facts, and being so, they should not consider his personal or private knowledge of them to be a sufficient justification for the House agreeing to such a measure as he had proposed.

Mr. *S. O'Brien* said, that with so small a majority it was quite impossible for him to go on at present with this Bill, against such a systematic opposition; he would therefore move as an Amendment, that this House do now adjourn.

The *Speaker* put the question, on which Mr. O'Brien's Amendment was carried without a division, and

The House adjourned at a quarter past seven o'clock.

HOUSE OF COMMONS,

Thursday, June 20, 1844.

MINUTES.] BILLS. *Public.*—1°. Parishes (Scotland).
2°. Linen, etc. Manufactures (Ireland)
Reported.—Prisons (Scotland).
3°. and passed:—Court of Chancery (County Palatine of Lancaster).
Private.—1°. London and Croydon Railway (No. 2); Railways.
2°. Canal Companies.
Reported. — Kingston-upon-Hull Docks (re-committed); Coventry Improvement (re-committed); Swansea Improvement (re-committed); Great Southern and Western Railway.

JOINT-STOCK COMPANIES.] Mr. *Masterman* wished to ask the right hon. President of the Board of Trade whether the Bill now before Parliament for regulating Joint Stock Companies was intended to have a retrospective effect as to Companies already existing and in operation.

Mr. *Gladstone*: There was no idea of giving the whole Bill a retrospective operation with respect to the Joint Stock Companies already in existence; it only applied to those Companies with respect to registration; but in case the directors of the Companies thought that it would be for their advantage to be placed within the provisions of the Bill, there was a power contained in it to enable them to come within those provisions. With regard to the individual non-liability, he could state that there was no power given by the Bill to interfere with existing Companies as regarded individual limited liabilities, whether they were so limited by Charter or Act of Parliament. With regard to Companies which might be forming during the progress of the Bill through Parliament,

it was doubtful whether the Bill ought not to be made compulsory on such Companies.

LORD LIEUTENANT OF IRELAND.] Captain *Layard* wished to ask whether there were any truth in the report that Lord de Grey had resigned the office of Lord Lieutenant of Ireland, and if it were true, who had been appointed instead of that nobleman to the office of Lord Lieutenant.

Sir *R. Peel:* There is no truth whatever in that report. I do not mean, however, to say that the state of Lord de Grey's health, for some time past, may not be such as to make him desirous to be relieved from the fatigues of that office. I now answer the special question of the hon. and gallant Gentleman, with regard to the report as to the fact of Lord de Grey having resigned.

SUGAR DUTIES.] The House in Committee on the Sugar Duties Bill.

On Clause 3 (giving "power to Her Majesty, by Order in Council, to declare the sugars of other countries to be admissible as not being the produce of slave-labour"),

Mr. *Labouchere* was anxious for an explanation of the Clause. The Bill drew a distinction between different classes of foreign sugar, namely, between foreign sugar the produce of free-labour, and foreign sugar the produce of slave-labour, and he wished before they proceeded with the Clause to know what it was, that the Government exactly intended in this respect. There had been some diversity in the statements as to the views of the Government with respect to the operation of the Bill, and he was accordingly desirous to know whether it was to foreign sugar the produce of slave-labour, or foreign sugar produced by countries which carried on the Slave Trade, the Bill was directed. To explain his question, he would suppose that Cuba or Brazil entered into engagements perfectly satisfactory to this country, with a view to the suppression of the Slave Trade, and subsequently showed by their conduct a desire to carry that object into effect. In the event of that engagement, would the Government think it right that the produce of Brazil and Cuba ought to be placed on the same footing with the produce of the United States, or would they think that a distinction ought, notwithstanding such a treaty, to be made between Cuba and Brazil and the United States?

Mr. *Gladstone* said, the question of the right hon. Gentleman referred to a contingency, apparently with a view of more perfectly illustrating the intention of the Bill as regarded the question of slavery, and to the question he should return a frank and fair answer. The right hon. Gentleman asked if the Bill applied to those countries in which sugar was raised by slave-labour, or whether it referred mainly to those countries where the Slave Trade was carried on. There was some distinction between the form and the reason of the enactment; it did not apply necessarily to all countries in which any modification of slavery existed; for example, where it existed in a domestic and limited form, and the remains of an institution fast decaying, as in Java, and where it had no bearing upon the production of sugar. On the other hand, the Bill would undoubtedly apply, and he believed it was intended to apply, to all countries where sugar was raised by slave-labour. But having declared what he believed would be the effect of that enactment, he was bound to state that the reasoning of the enactment was founded, in a great degree, on the fact that in the sugar-growing countries that produce was raised, not merely by slavery, but by slavery fed by the Slave Trade. Brazil and Cuba were the only two countries where slavery, properly speaking, could be said to exist in an unmitigated form, which exported sugar largely, and where that slavery was fed by the Slave Trade. There was, indeed, another country which had some surplus of sugar to export, namely, Denmark. He had great satisfaction in stating his belief that the Danish Government were sincerely set upon the extinction of slavery in the island of St. Croix, and that their efforts in that direction would be speedily successful. The law was framed so as to be applicable to slave-labour employed in the cultivation of sugar, because that was the only form in which to make it intelligible, but the main reason of this law was, that in those countries which this Bill would affect slavery was fed by the Slave Trade.

Mr. *Labouchere* said, this was a very important point, because he apprehended if the Bill were passed in its present shape the Government would not be enabled to carry out the views which they professed

to entertain. As he understood the right hon. Gentleman, they did not wish to preclude themselves from the power—if the Brazils should in future raise sugar by slave-labour in the same manner as it was raised in the United States, but at the same time put an effectual stop to the external Slave Trade with Brazil, as the Slave Trade to the United States was stopped — they did not wish to debar themselves of the right to admit the sugar of Brazil on the same footing as that of the United States; but he apprehended that the Bill was stringent on that point, and that the Government would be precluded from admitting sugar, the produce of any country not having a treaty to enforce its admission, and that they would not be able to put Brazil and the United States on the same footing as regards sugar and slavery. He thought we ought to deal equally and fairly by foreign nations, and he apprehended that from the accident of some countries in which sugar was produced by slave-labour having already treaties with us, we should be unable, however willing the Government might be to do so, to allow the sugar of Brazil, if she should effectually put a stop to the Slave Trade, though retaining slavery and the cultivation of sugar by slaves, to come upon the same footing as that of the United States. He was quite aware that there was this distinction between those two countries, that Brazil exports extensively, while the United States do not; but he thought it very likely that the United States would find it for their interest to take sugar from Cuba and send us the home-grown sugar of the United States, but at all events he thought we ought not to put one country upon a different footing from another having the same regulations.

Sir *R. Peel* said, that without entering into the argument he would answer the right hon. Gentleman's question. The Bill dealt with countries in which there was no such condition of slavery as that which existed in Cuba and Brazil, and in which no Slave Trade is carried on. It also dealt with countries not carrying on a Slave Trade with which there are existing arrangements. Nothing could be more inconvenient than to raise discussions upon what should be done upon a hypothetical case of which we were not in possession of all the circumstances. His answer to the right hon. Gentleman's question was, that as the duration of the Bill was only to be for one year, and it must be renewed next year, no practical inconvenience could arise, as it was impossible that such extensive alterations as were referred to could take place in Brazil and Cuba within one year.

Mr. *Vernon Smith* said, it was very important that the House should possess some more information than had been imparted relative to the principle of the Bill. The right hon. Baronet said that the principle of the Bill was only to admit sugar from countries where there was not the same condition of slavery as in Cuba and Brazil. Now, was that condition of slavery to be the test of exclusion of sugar from other countries? The President of the Board of Trade said, he would not deal with domestic slavery, but from all he (Mr. Smith) could learn on that subject, he believed that domestic slavery was sure to lead to slavery of other descriptions, because it was clear that where there was domestic slavery there was no regard for the condition of a freeman. He would venture to refer to one country to which the right hon. Gentleman had alluded, namely, China. That was one of the countries to be affected by the Bill, and he thought it right that the House should know what it was about when it was proposed to admit sugar from China in preference to that of Cuba. The condition of slavery in China was described by one who had investigated the subject as being marked by all that aggravates the enormities of that practice; every offence was heightened or mitigated, as it was committed by a slave or a master. To kill a master was an offence punished with a lingering death, as petit treason; while the converse of that case was held to be a venial offence; again for slight infractions of the law whole families were sometimes condemned to perpetual servitude. That was the state of slavery in China. His hon. Friend, the Member for Renfrewshire, had described what it was in Java. The right hon. Gentleman had said that he knew little of the laws of Java—that he had not been able to procure a copy of them, he believed he had said—and, therefore, could not give the House any information respecting them. [Mr. *Gladstone*: Not so.] Well, then, if the right hon. Gentleman possessed any means of information, he really wished he would communicate it to the House, because he feared they possessed but little information as to the laws of any one of these countries; and yet the House

was called upon to diminish the supplies of sugar, because they were told it was right to discourage the Slave Trade. At first the right hon. Gentleman had said he would not admit the sugar of Siam, although in his speech he betrayed a great longing for it. Now, he should like to know whether the right hon. Gentleman was aware of the state of slavery in Siam. He believed it was worse even than in China. From what he had read in voyages and books of travels, it appeared that the Mandarins were flogged with split rattans, and not only were the gentlemen so treated, but the ladies also, and they were in the habit of parading the streets to exhibit the honours they had received from the Emperor, in being flogged with split rattans in the presence of his court. This might appear a very trivial matter to the right hon. Gentleman, but it had a direct bearing upon the question how the Government were to carry out the principle of this most absurd and hypocritical Bill. Although he was prepared to go the whole length of admitting sugar from slave-growing countries as well as free-grown sugar, yet if he was appealed to on the ground of humanity and philanthropy to admit no sugar which was not free-grown, he must at least ask what the right hon. Gentleman understood by free-grown sugar? It was not produced by labour that could be justly called free in any of the countries from which the Government proposed its admission.

Mr. *Gladstone* said, that with regard to the charge of hypocrisy, he really did not think it worthy of notice; but with respect to that practical question put by the right hon. Gentleman, he would give it the best answer he could. As regarded Siam, the right hon. Gentleman had, he supposed, unconsciously vindicated the Government, because Siam was not introduced in the Bill, but remained for further investigation and information. He believed the right hon. Gentleman did not know what was the correct interpretation of the term Mandarin. He seemed to think that it necessarily implied one of the superior class, but he believed that an officer of the grade of a policeman in Siam would be a mandarin. [Mr. *V. Smith*, "No."] Well, he bowed to the superior knowledge of the right hon. Gentleman, but with regard to Java, he had endeavoured to procure all the information he could, both from private persons and from persons connected with the anti-slavery cause, and notwithstanding what had been stated by the hon. Member for Renfrewshire, he had every reason to believe that there was nothing resembling slavery in its substantial form, as applied to the cultivation of sugar in that country. The hon. Gentleman had spoken of forced labour, and undoubtedly there was forced labour in Java, as there was in Scotland, where land was held subject to certain returns of produce or labour. Those who thought it worth while to raise difficulties upon legal definitions of slavery and freedom might; but he thought the British people and the British Parliament sufficiently understood the distinction. In the case of the West-India emancipation, the House had not been troubled for a definition of slavery; nor did he recollect that the right hon. Gentleman had required an explanation. The descriptions of slavery against which the provisions of this Bill were directed was of the same nature as that which had existed in the West Indies, always preserving the distinction between voluntary labour and coercive labour, not dependent upon the will of those from whom it was exacted, and from which there was no means of escaping. Now, in Java, he had received assurances, that it was within the discretion of the persons employed in the cultivation of the land to withdraw from it if they pleased, and he believed there was no case whatever of permanent attachment to the land independently of the will of the individual, although such attachment to the land did not, in many cases, partake at all of the nature of slavery. It was said, that where domestic slavery existed it would be applied to other forms of coercion; but he thought that was a very false inference, for there were places where domestic slavery prevailed, and still predial slavery was never dreamt of. But in Java even domestic slavery was not, according to the information he had received, a stationary institution. The intelligence he had received was, that there is no replenishment of the slavery which exists—that it is the mere relic of a Slave Trade which had formerly prevailed, and that the slaves were employed for domestic purposes only, and not for the cultivation of the land; that the importation had ceased for a long period, and that there was a constantly decreasing number of the persons who were still in that condition. He said, therefore, that he had every reason to believe that even the slavery which existed in Java would, at no distant period, cease to exist.

Viscount *Palmerston* said, that whether that particular expression which had been used with respect to the Bill was justly applicable to it or not, must be left to the right hon. Gentleman opposite, because as it imputed a motive, it was for the Government to justify their own motives; but he must say, that the course adopted by the Government was a most devious, intricate, and tortuous one—and like all devious, intricate, and tortuous courses, the further they proceeded in it, the more difficult did they find it to extricate themselves. This was exemplified by what the President of the Board of Trade had stated this evening. Only mark the different gradations of the ground taken by the Government. In the first instance, the principle relied upon in vindication of the Bill was, that they did not wish to encourage slavery—it was the condition of slavery which was to be entirely and *in toto* discouraged. Then they shifted their position,—said their wish was to discourage the Slave Trade—they did not care about slavery. The right hon. Gentleman told the House boldly that he did not mind the existence of slavery, provided it was domestic slavery. That he was prepared to admit sugar from countries where domestic slavery prevailed, provided that the Government were satisfied—for it was the Government alone who were to be consulted—that there was no agricultural slavery. But here at once they gave up every one of the positions upon which they had taken their stand. Would any man tell him that domestic slavery was not fed by the Slave Trade? What the right hon. Gentleman said might be true of one place or another, but he maintained boldly, and he defied contradiction, that where domestic slavery existed there would be a supply of slaves, and that supply must be produced by a Slave Trade of some kind or other. Look at the Ottoman dominions, where none but domestic slavery existed, and where it was fed by a very extensive Slave Trade. [Mr. *Gladstone:* That is not the case in Java.] The right hon. Gentleman wished to confine him to Java, but he begged to decline such circumscription, and when he was told that domestic slavery did not encourage the Slave Trade, he said that neither in principle nor in practice could such a position be maintained. Well, here the Government were beaten out of one of the grand principles upon which they had taken their stand in reference to this measure. He said that the mere fact of opening the British market to sugar, which, in the opinion of the Government, or in reality, might be the production of free-labour, did virtually give as great encouragement to the Slave Trade as if you admitted slave-grown sugar. He would not call the professions of the Government hypocrisy, because hypocrisy implied some pretence to deceive those to whom it was addressed, but he said that a more palpable and barefaced fallacy was never propounded to Parliament. It was clear as the sun at noonday; it was obvious to the meanest capacity, that if by withdrawing free-labour sugar from the market of Europe, the supply be diminished, and the price of the rest increased, a direct and positive encouragement was thus given to the growth of sugar raised by slaves. That was, in a few words, his insuperable objection to the principle of this most inconsistent and hollow Bill. On this clause it appeared to him a grave constitutional objection might be founded. The Government took to themselves the power of opening the market at their will, according to their construction of the laws, habits, and usages of other countries, and on that ground alone to give admission into our market to the sugar of any other country. Why, when they proposed to make rules of that kind, the rules should be seen in the Bill. Some clear and definite principle should be established, and if a discretionary power was to be given to the Government, that power should be guided by some clear and intelligible principles, in order that the Government might be enabled hereafter to take their course without an apprehension that what they did would incur the disapprobation of Parliament. The right hon. Gentleman had told the House of the infinite gradations of the condition of slavery, the nice distinctions by which it graduates from the arbitrary and cruel slavery of Cuba and Brazil, to the more mitigated condition of serfage in other countries, and by this Bill the public were to have the power of judging of the internal institutions of those different Colonies and countries. Under pretence of maintaining the West-India produce, they were to open the British market to the produce of any country the institutions of which they conceived to be sufficiently tinged with freedom to entitle it to that distinction. He held that to be a most objectionable principle. He could understand it, according to the principles of the Government, if they said, "We will open the market to the sugar of any country

which does not carry on the Slave Trade." There would be an intelligible principle. He might differ from them, or think that they would not be able to effect their object. He might think it was open to the same objection as the present plan, on the ground that whether you admitted slave-grown or free-labour sugar in the European market, you did, by taking away the sugar now in the market, give encouragement to the Slave Trade, but, at all events, it would be a clear and distinct proposition, and when the Government decided upon its application to any particular country, Parliament would be enabled to ascertain whether there was ground for that application; but this proposition was objectionable upon every principle on which it had been argued, and he was not disposed to support it.

Sir. *J. Hanmer* begged to ask his right hon. Friend, the President of the Board of Trade, whether any negotiations had been entered into with Holland relative to our intercourse with Java. He wished at the same time to call the attention of his right hon. Friend to the fact that a considerable proportion of the trade between the Phillippine Islands and Manilla was carried on in Spanish bottoms. He trusted that this matter would not escape the attention of Her Majesty's Government. He also wished to know why the island of Porto Rico should not be enumerated among the places from which free-labour sugar was to be introduced? Out of a population of 500,000 there were only 40,000 blacks in that island, and therefore there could not be much slavery.

Mr. *Gladstone* said, there was a very considerable proportion of free-labour in Porto Rico, but at the same time there was a great deal of slave-labour employed in that island, and it was impracticable to draw the proper distinction. The matter alluded to by the hon. Gentleman was one of much importance. It was true that differential duties were still in existence in Java, and no treaty had been entered into with Holland relating to the intercourse with Java. With respect to Manilla and the Phillippine Islands, the voyages were not performed by Spanish vessels, but chiefly by British; and with regard to the export duties levied at Manilla, the difference was so slight as to be scarcely worthy of consideration.

Mr. *Hume* said, it was the object of Parliament, in legislating on these matters, to lay down certain principles in a Bill, and then lay down such rules as should prevent any deviation from it. They now began to find out the difficulties which encompassed the plan of Her Majesty's Government. He wanted to know if Government could and would define what slavery was. If they could not define it now could they hope to define it hereafter? The fact was, the only conclusion the House could come to was that the Government itself did not know what the Clause meant. Was Egyptian sugar admissible under this Bill? They would not tell him, and if they would not tell, how could foreign Governments know in what way to advise their people to regulate their trade with this country? He had never seen the right hon. Baronet so anxious to get rid of a question as of this, and really he was not surprised at it. Supposing another Government were to come in—which was not so improbable as some might imagine, for, from a sentence which had fallen from the leader of the present Government, it appeared that he was more inclined to run away than his followers were to quit him—how was the succeeding Government to carry out the principle of this Bill? Still he should be sorry to see the right hon. Baronet go out at the present moment. He could not, however conceive, after the speech of the right hon. Baronet, that he would have remained in office had the majority been against him. But this was no matter. It was possible that this Bill would have to be carried out by another Government, and they ought to lay down certain principles which could be understood by the general interpretation of the words. How would they deal with the sugar of Louisiana? [Lord *Stanley*: That is under treaty.] But suppose the Treaty should cease? Acts of Parliament ought to be intelligible to Ministers of State as well as to men of ordinary understanding. They ought to lay down a distinction between slave-grown sugar and free-labour sugar, and after the new intepretation that had been given by the right hon. Gentleman, he thought the House ought to have another opportunity of expressing its opinion. He had turned over the Bill in order to see where he could take a division, since the new interpretation put upon it by the President of the Board of Trade, which increased the difficulty. His view was to establish the principle that no distinction should be

made between slave-grown sugar and the produce of free-labour. He should be much obliged to any Gentleman who would point out to him where he could take a division. He hoped the right hon. Baronet, who was always so clear, would supply the deficiency of explanation which characterised the observations of the President of the Board of Trade. He did not wish to throw any difficulties in the way; but he thought that what was impossible to be carried out, ought not to be attempted. He should move that the consideration of the Clause be postponed.

Sir *R. Peel* said, the opportunity desired by the hon. Gentleman, had been suggested to him from his own Parliamentary knowledge in the Motion he had just made, and he hoped the House would express their opinion upon it. The noble Lord had proposed that the discriminating duty of 10*s.* should be applied to sugar the produce of slave-labour, equally with sugar the produce of free-labour. The House had decided against the noble Lord's proposition; and if he were not satisfied with their decision, he would have an opportunity of again raising the question on the bringing up of the Report. He did not think the hon. Gentleman opposite had a right to call upon the Government to answer a variety of hypothetical cases, such, for instance, as what was to be done respecting the sugar of Louisiana, supposing that the United States should conclude a treaty with the Zollevein, which they had not yet done, and give in notice of the determination of the Treaty with England. It was scarcely fair to call for our answer as to what would be done upon this double hypothesis, but as a year must expire from the time when such notice should be given before the treaty was terminated, and as this Bill was to be of the duration only of one year, it was unnecessary to discuss such a contingency.

Mr. *Labouchere* believed that it could be shown distinctly that the Government, in attempting to draw a distinction between sugar the produce of slaves and sugar the produce of free-labour, were attempting to lay down a position that was utterly untenable. He was not without hope that when they had gone through the Clauses of the Bill, it would be so clear that the people of this country were called upon to make all those sacrifices for no practical benefit—that they were betraying themselves in the eyes of the world as people who were unable to carry their own principles into effect—that they were introducing a system of extensive fraud in the commercial world—that the House upon the Report must be induced to reverse the decision as was now by no means unusual with that House. It had done so before, and he hoped it would do so with this Bill again. The more they discussed the question, the more evident it would be that it was not advisable to attempt to draw a distinction between the two classes of foreign sugar; and it would be shown upon the Clauses relating to the certificates how impossible it would be to do so.

Mr. *Gladstone*: the right hon. Gentleman had set a bad example—one that he had himself deprecated—that of discussing the general question upon the consideration of a particular Clause. He did not mean to imitate the example, notwithstanding the specious arguments that had been used against the Bill. He could not avoid saying, however, that the Government had shown no disposition to flinch from any statement they had made, nor to vary any statement, and in answer to the noble Lord, he begged to say, that they had been perfectly consistent on this question from the beginning to the end. The noble Lord had spoken of their shifting their ground, and abandoning one ground, and then taking another. He met these assertions with a broad and fearless denial; and he expressed his perfect readiness to meet the noble Lord point by point, whenever, according to the convenience of Parliamentary discussion, the noble Lord thought fit to raise them; but he was not to be taken out of his course by an incidental discussion. He wished to do that which had been suggested by the right hon. Gentleman, to go through the Bill clause by clause. The hon. Member for Montrose had said that he had complained of being pressed by questions. It was his lively imagination, one that had led him more astray than any other Member, that suggested the notion to the hon. Member. The hon. Member had asked him as to Egypt. It was like to a whole mass of countries that produced sugar in a limited quantity, and the hon. Member might as well have asked him as to the sugar of France, or Austria, or the northern parts of Germany, producing sugar for their own consumption. He fairly owned that such coun-

tries had not entered into his contemplation, nor did he see how they were to be dealt with, unless in a special case of necessity, or that there were peculiar treaties with those countries, as there was with the United States. He had not thought it necessary to say what was to be done in cases that were extremely improbable. They had no such Treaty with Egypt as with the United States. Egypt was regulated by the stipulations of the Treaty with Turkey, and they were not by that bound to admit any of its produce on special terms.

Mr. *F. T. Baring* observed, that the more this Clause was discussed, and he meant chiefly to confine himself to it, the more difficult it would be found to carry it into execution. An entire discretion was to be left to the Government under this Clause. Did not this Clause give to the Government the power, by an Order in Council, to admit any sugar which it was satisfied was the produce of free labour? They asked, then, of the Government which required these enormous powers, they asked of the Government this practical question: "Will you be so good as to explain what it is you do mean by the produce of free labour? We are called upon to give you extraordinary power, and we ask of you to be kind enough to give us some explanation as to how you are likely to exercise that power?" The right hon. Gentleman had said that he could give no definition whatever, and the construction of the matter was to be left to the Government hereafter. No doubt the House of Commons was well disposed enough to leave much to the discretion of the Government; it had left lately a great deal to the discretion of the Government; it had given way very much indeed to the discretion of the Government. But then this was not the way to treat a House of Commons. It had a right to ask what was the principle upon which the Government proposed to act. It had a right, and it ought to require a definition to be given to it as to the exercise of that extraordinary power which the Government asked from it. The Government stated that in Java and China there was free-labour sugar. Then, he said, would the Government tell them distinctly what was the state of the population of Java? Would the Members of the Government also be good enough to tell them something precisely with respect to the condition of the population of China? Siam, the Government was of opinion, was discovered now not to be in a state that they could not take sugar from it. He understood, from the opening statement of the right hon. Gentleman opposite, that they might have sugar from Siam. [Mr. *Gladstone:* No.] Well, then, he was wrong; but he thought he had heard Siam mentioned as one of those places from which free-grown sugar might be procured. He now, then, asked a simple question, and if the Members of the Government had considered the effect of their own Bill, they ought to be able to answer it. The right hon. Gentleman had mentioned Java, but then he could give them no distinct information as to Java. With regard to Egypt, there was no answer. Now, they ought to be able to give the House, when they took large discretionary powers, some means of ascertaining how they intended to exercise it—how they were to admit what they called free-grown sugar, and how they were to exclude slave-grown sugar. He believed, that the only effects of their present definition would be this—taking sugar from Java and from China, it was clear that slavery existed in both countries. He was only stating that which was admitted on both sides; and now he said, as the Government had doubtless looked maturely into this subject, they would put the House in possession of that information which they had procured.

Mr. *Gladstone* remarked that it was stated by the right hon. Gentleman that slavery existed both in China and Java, and that such only appeared in both countries in connection with the produce of sugar. If such were the result of the right hon. Gentleman's examination, he must have been very unfortunate in the mode of making it. He must say, too, that the right hon. Gentleman left him in doubt whether he had read the Clause with attention, for the right hon. Gentleman had said that it was entirely in the discretion of the Government to admit sugar which it allowed to be the produce of free labour. He had already said distinctly, that when sugar was not the produce of slave labour—that if the Government learned that slave labour was not applied to sugar, though there might be slavery in that country in another form, and applied to other purposes, that sugar, not being the produce of slave labour, might be

fully admitted. The right hon. Gentleman overlooked that distinction, and took the Government to task, because it did not supply him with a definition that should apply to every case, as to whether sugar was the produce of free labour or the produce of slave labour. There might be cases rising up from simple servitude to strict and absolute slavery, and yet no practical difficulty in the working out of the Bill. The Government did not attempt to establish nice metaphysical distinctions, but to give effect to a plain practical law. As to Java there was no difficulty whatever. There was no fairness in the allegations that sugar was grown by slave-labour in Java. He knew that it was a vulgar tradition, of which his hon. Friend the Member for Renfrewshire had picked up the relics, that slave-labour was used in the production of sugar in Java. He knew he could trust thus far to the candour of the right hon. Gentleman opposite, that he would not expect from him such a description of the tenure of the land in Java as could alone be given by an experienced lawyer. He had stated the other night the different ways in which land was held in Java, and when the right hon. Gentleman had said that it was plain that there was slavery in Java, he had not paid attention to the terms he had used. He said again, that in Java there was not slavery—there was no attachment to the soil, there was no permanent vassalage. He hoped, then, after this statement, that the right hon. Gentleman would not reiterate the statement that there was slavery.

Mr. *P. M. Stewart* spoke from the very last and best authority with respect to Java, and on that authority he affirmed that every portion of exported produce from Java was the produce of forced labour. The labourers, too, were transferred with the soil, and only escaped work by the payment of a fine. In 1836 the old system of slavery was restored. Whilst it was under the French flag, and afterwards under the British, that system was put an end to. It had been restored, which it ought not to have been, under the Treaty of Vienna; and upon the Dutch Governor restoring slavery, there was an insurrection and a massacre, and from eight to ten thousand persons had been killed. [Mr. *Gladstone*: Persons had the power of quitting the land in Java.] Yes, on payment of money. Labourers could not quit the soil, nor could they quit labour, except upon payment of a ransom. His right hon. Friend the President of the Board of Trade was not aware of these facts, or he would look at Java with other eyes. It was of great importance to consider this, for it was from Java that they expected to receive more than one-half of the whole amount of sugar contemplated to be introduced under this Bill. And then to show how the Bill would work. About a fortnight since, when these regulations were first heard of, a cargo of Brazilian sugar was sent out to Bombay. Instead of importing sugar from Java or Manilla, it was thought better to take Brazilian sugar out of bond and send it to Bombay to relieve the market. He was, indeed, told by an hon. Gentleman opposite that the cargo was not going to Bombay, but to Australia. The confusion arose from the ship itself being called the "Australia." But in order that there might be no mistake about the matter, he could state that the sugar was imported from Brazil in a vessel, the "Mary," and it was shipped on board the Australia for Bombay; so that in Calcutta they would be consuming the slave-grown sugar, instead of using that from Manilla, which they left to the use of the people of England. This was an illustration of the working of the proposed system.

Sir *W. James* had voted against the noble Lord the Member for London (Lord J. Russell), when he proposed a Motion on this subject of which he did not approve; but with regard to the principle now before the House, without committing himself on the present occasion, he said that he entertained the greatest doubt. His object in rising was to put this question to the right hon. Baronet, whether he was to consider this Bill in the light of an experiment, or whether they were to look to the distinction between free-labour and slave-grown sugar in the light of a permanent principle of legislation, which they were determined to adhere to. From the speech of the right hon. Gentleman he had inferred that this was to be permanent legislation, at all hazards; but, according to the answer of the right hon. Gentleman to the Member for Montrose, he had said that this was only an annual Bill, and therefore he could not but regard it as an experiment. Now, he could not reconcile it to his conscience to vote against the Government, as he did not know what they intended to do. He said that what-

ever vote he had given was a conscientious vote. He was but a young Member of that House, and he might very well hesitate and doubt as to what course he ought to take, when he considered the information that must be in possession of the Cabinet. He might very well place, if he chose, confidence in every body or any body, but he said this, that every one who did vote had a right to information, and they had a right to look for that information to those who had it, that was, the Members of the Government. That was only just and reasonable. Now, not pledging himself to vote, he asked whether they were to consider this as a permanent system of legislation, or to look at it in the light of an experiment?

Sir *R. Peel* had already stated very fully the views of Her Majesty's Government, and what was their present position with respect to the Sugar Duties. He had stated, on Monday last, that Her Majesty's Government having an opportunity of making an arrangement with respect to the admission of free-labour sugar on the 10th of November next, on account of the expiring Treaty with Brazil, had determined that sugar the produce of free-labour should be permitted to enter into competition with colonial sugar at that time. He thought he had stated that, there being a tendency to increase in the price of sugar, Her Majesty's Government had determined upon the permitting the importation of foreign sugar, provided they were assured it was the produce of free-labour. He had stated distinctly that Her Majesty's Government did not think it consistent with the course this country had taken with respect to the abolition of slavery, and with the measures adopted for the prevention of the Slave Trade, and with the knowledge of the condition of Brazil and Cuba as to slavery and the Slave Trade, Her Majesty's Government could not reconcile it to their sense of duty, to permit a competition between British colonial sugar, and sugar the produce of Cuba and Brazil. He had also stated that the present Bill was an annual Bill, in answer to a question that had been addressed to him in the present debate. He had said this in answer to one hon. Gentleman, who had said, supposing Cuba and Brazil determine to prevent the Slave Trade, though slavery might be considered, what course, then, would this Government take. That was one hypothesis as to the Slave Trade being discontinued by these countries. Another said, supposing the American Government were to conclude a treaty with the Zollverein, what course would be then taken? To both questions he had answered, that the present Bill was one of limited duration—that it was for one year, and the cases they had supposed could not arise in a year. His hon. Friend had then asked him whether the system now proposed was to be permanent. He could not state more than this—that Her Majesty's Government, with the knowledge of facts now before them with respect to Cuba and Brazil, decidedly objected to allowing the produce of Cuba and Brazil to enter into competition with the produce of our own Colonies. He did not think that the hon. Gentleman could ask him for a more precise answer than this, that the same circumstances continuing, he did not anticipate any change in the system.

Viscount *Howick* observed that the right hon. Gentleman was perfectly correct in not pledging himself to make this a permanent principle; because so far from its being permanent, he doubted very much if hon. Gentlemen opposite would be able to satisfy the House and the country that the Bill ought even to be passed. The hon. Baronet the Member for Hull had referred to the great means of information possessed by the Government. Now, he must say, that if they had any information, they were exceedingly stingy with it. They kept this information, like a cabinet secret, most carefully. It certainly would be a benefit to the House to have more information, because he thought the further they went the clearer it would appear that this Bill ought not to pass. They found in the first Clause Java, China, and Manilla, introduced without any reference to slave labour. They did not dare to assert that slave labour did not exist; and now the House had heard the statement of the hon. Member for Renfrew as to Java, so that if they were to have sugar from Java it could not be said that it was not slave-grown sugar. Then as to Porto Rico; from the statement that had been made respecting it, it was improperly excluded from the Bill. As to Siam, it was stated by the right hon. Gentleman that they did not know enough of it to introduce

Siam into the Bill, but they did know more of Java. He had no doubt but Siam was in a very barbarous state; that the population, as in most of the barbarous countries of the East, was in a wretched condition; but if the welfare of the people, and not their own consistency, were the object, they would trade with Siam, that the people there might feel the civilizing influences of British commerce. They could, he believed, do nothing more calculated to increase that civilization than to allow it to export its produce to England, and confer upon it the advantages of British commerce.

Mr. *Gladstone* said, that the hon. Member for Renfrew had accused him of being behind him with his information. He had been in communication with a Gentleman who had lived twenty years in Java, and only returned last week. The hon. Member had stated, that the labourers were transferred with the land. He denied it. It was quite true that the labourers might go with the land, as in England the peasantry remained on the land, when estates were transferred from one proprietor to the other; but then it was free there, as here, for the labourer to leave the land. It was said that he could not leave it without payment. And what was that? About ten or eleven shillings, about half the value of a sovereign, and that was what the hon. Member would describe as the value of a slave. Did not the hon. Gentleman's own statement show that the labourer in Java was free? The very statement overthrew the assertion that there was slavery. Why, the paltry payment did not represent the one-fiftieth part of the value of a slave in any country where slavery was known.

Mr. *P. M. Stewart* replied, that confidently as he was opposed by the right hon. Gentleman, he again repeated that the labourers were transferred with the soil in Java. They must remain located on the land, and deliver a certain amount of produce to the Government, until by a ransom in money they liberated themselves.

Mr. *Bernal* would confine himself strictly to the details of the third Clause. By that Clause it was sought to confer extraordinary powers on the Government; such powers as, he was sure, no Act of Parliament ever before conferred. After what had passed that evening in the Committee, after hearing allegations with respect to Java contradicted by allegations of a different tenour by the President of the Board of Trade, he appealed to the sincerity and the candour of that right hon. Gentleman, and asked him what was that sufficient evidence to be produced before Her Majesty in Council in order to authorize this step to be taken under the third Clause? He asked him what was that sufficient evidence which would satisfy the Government, the House of Commons, and the country? They had determined rightly that the sugars they admitted were not the produce of slave-labour. Now, as regarded Egypt, the hon. Member for Bolton (Dr. Bowring) three or four nights ago denied the assertion that was made by an hon. Friend near him as to the existence of slavery in that country. His hon. Friend had said there was no such thing as slavery among the Fellahs of Egypt. He asked the right hon. Gentleman opposite, the President of the Board of Trade, what was really meant by slave-labour, and he put this case,—suppose the sugar was not produced by slaves, but suppose the boat's crew who brought the sugar down from the interior of the country where it was grown were the slaves of the proprietor, and he understood that was often the case in Manilla, would the right hon. Gentleman admit that sugar as free-labour sugar? Again, there were many instances of domestic slaves being employed to drive the waggons laden with sugar from a distant part of the island to the sea-coast to be embarked. He brought forward those instances to show the difficulty of limiting the cases, not merely to the prevalence of domestic slavery, but of agricultural and field slavery. He had heard a great deal said about Java, but they should all recollect the jealousy with which the Dutch viewed any interference with their privileges or any inquiries as to their colonies, so that there was the greatest difficulty in obtaining any accurate information as to the internal condition of the Dutch colonial possessions. The right hon. Gentleman said that this Bill was only an annual Bill; but it proposed to give the Government most extraordinary powers—powers which involved a strong consolidated principle, and one which he (Mr. Bernal) looked upon with the greatest suspicion. They were to send Commissioners to Siam or to Java, and the reports of those Commissioners were to be adopt-

ed; but, he asked, if the contingency should arise, how could these Commissioners be sent, and their reports be communicated, between the 10th of next November and the end of June in the succeeding year, the period during which this Bill was to be in operation?

Mr. *Hume* complained that no satisfactory reply had been given to the objections and inquiries which he had made. The right hon. Gentleman, it seemed, could not answer a plain question, but had gone into a wide disquisition, which had no meaning at all as applied to the point in discussion. There were some people who thought themselves too clever to deal with simple questions; but it often happened, in this House as elsewhere, that those who fancied themselves the most clever were the greatest dolts, and that was his (Mr. Hume's) consolation. What he wished to be informed of by the right hon. Gentleman was this: upon what principles the Government intended to act in signifying that sugar coming from such and such places was not the produce of slave-labour? What was the principle upon which he would act in reference to Cochin China and Siam, for instance? In the opinion of the right hon. Gentleman, did slavery exist in Cochin China or not? He hoped to have an answer from the right hon. Gentleman.

Mr. *Sheil* would beg to repeat one question that had been put by the hon. Gentleman who had last spoken; did slavery exist in Cochin China?

Mr. *Gladstone* had no objection to answer the question. Cochin China was like Siam, for in respect of both those countries there was at this moment no evidence in the possession of the Government such as would enable them to ask Parliament to affirm that the sugar of those countries was not raised by slave-labour. It was possible it might answer that condition; but, as yet, it was not sufficiently established by evidence to their satisfaction. Was the right hon. Gentleman opposite (Mr. Sheil) aware that in both those countries the inquiries of strangers were very contracted? He admitted the case of Cochin China was different from that of Siam, for Siam exported a great quantity of sugar, but the produce of Cochin China went chiefly to China.

Mr. *Sheil* said, the objections which had been made had not been answered by the right hon. Gentleman the President of the Board of Trade. The issue between the right hon. Gentleman and the hon. Member for Renfrewshire was with respect to Java, and the House did not appear to be satisfied with the assertions made on either side; but with reference to Cochin China, where it appeared sugar was grown for the supply of China, he thought the House should pause before it left, not to the Legislature, but to the President of the Board of Trade, to decide whether there was slavery existing in Cochin China, and also to decide on the sufficiency of the evidence to establish that fact. They were leaving to the Government, whatever Government that might be, a discretion which might be justly, but, on the other hand, might be capriciously and imprudently exercised: and the right hon. Gentleman would forgive him for saying that, when he wished to propose a legislative measure on a subject like this, he should have ascertained whether the sugar of Cochin China was produced by slave-labour or not—it was a fact of cardinal importance—it was a point of statistics on which the Bill rested. It was marvellous to see how ignorant the Government were on Java and China! The Chancellor of the Exchequer had confessed that he had not given five minutes' thought to the subject, and the President of the Board of Trade had made a minute, but unsuccessful investigation as to the state of Java, and was unprepared to inform them whether the sugar of Cochin China was the produce of slave-labour or not.

The Clause agreed to.

On the 4th Clause,

"Sugar not to be admissible to entry for home consumption at a Duty of 1*l.* 14*s.* the hundred weight, unless the master of the ship importing the same shall have delivered to the collector at the port of importation such certificate as hereinafter mentioned, and subscribe a declaration that such certificate was received by him at the place where such Sugar was taken on board, and that the Sugar is the same as is mentioned therein."

Mr. *Labouchere* proceeded to call the attention of the House to the system of certificates by which the Government sought to prevent slave-grown sugar being surreptitiously introduced into this country as free-labour sugar. It appeared by this Clause, that the power of preventing this rested on the validity of the certificates under which it was proposed that

sugar should be admitted into this country. The system was quite novel here; it had never yet been attempted to inquire what was the origin of the produce imported into this country. Shipping documents had been required, in order to give information as to the port of shipment, and there had been no difficulty in obtaining it; but, as far as he was aware, it had never been attempted by means of certificates of origin, which depended for their validity upon the signatures of foreigners, to ascertain the origin of any foreign produce imported into this country; and he submitted to the Committee whether the system provided by the Government accomplished its object, for, if it did not, the whole of the Government scheme fell to the ground, as all depended upon the degree of confidence which they gave these certificates of origin. Who were to furnish these certificates of origin? Every one knew that, even with respect to our own Colonies, where we had an entire control over the Custom-house establishments, certificates of origin were not of any great value when strong interests intervened. What reason was there, then, to place confidence in certificates of origin, if they were to be signed by foreigners? It might be argued that there would be no great inducement to forge these certificates of origin in order to send to this country slave-labour sugar instead of free-labour sugar; but he could not concur in this argument, admitting even that it might hold good in certain states of the market. It was proposed to admit sugar from the ports of China with Chinese certificates; but sugar was not to be imported from the ports of Cochin China. Now, it was notorious that there was a great export of sugar from Cochin China to China, and what was to prevent the Cochin China sugar, being of the same description as China sugar, and placed in the same warehouses, from coming through this medium to England? On whom were they to depend to prevent it? On the British Consul? What means would he have of ascertaining the fact? Java sugar was also to be admitted to this country. What could be easier than to send Siam sugar to Java, and to bring it thence to this country? With respect to sugar of the United States, too, how would it be possible to prevent fraud? Cuba was close to the United States, and there was a great import of sugar from Cuba to the United States. Taking it for granted that the American merchant had an interest to deceive, it would be very easy to procure false certificates of growth and false affidavits. Custom-house morality did not stand very high. Men who, in other respects, bore a very good character, had very little scruple in taking Custom-house oaths falsely to serve a commercial purpose, and one of his objections against the present Bill was, that it would go a good way to lower commercial honour and integrity. He objected to the British Consul being the party to whom they should look for the correctness of these certificates. The British Consul had other important duties to perform. It was desirable that he should live on good terms with those about him, and therefore it was not advisable to make him a spy on his neighbours. To assign this new additional duty to the British Consul would be to place him in a most invidious position, and to interfere with the proper discharge of his other important duties, connected with the general protection of English commerce in the port where he happened to be placed. Take the case of the British Consul in New Orleans or Florida. The American came and swore that the sugar was grown on his own property, and the shipper also swore that he saw the same sugar placed in his ship. Was it to be expected that the British Consul should say to these men, "I cannot believe you on your oaths?" Why, the British Consul would take care how he expressed any doubt on the subject, if he wished to lead a quiet life, or any life at all. He believed that this attempt on the part of the Government would entirely fail after a time, though vigilance might be exercised at first; and there would be no difficulty in getting false certificates and affidavits, and slave-labour, whenever the state of the market tempted, would be surreptitiously introduced into this country. He hoped some explanation would be given on this point, on which indeed the whole discussion rested. If the Bill was unsound in this respect, all the sacrifices they were called on to make, and all the dangers they were called on to incur, in provoking the commercial enmity of some of their commercial allies, such as Brazil, would be made and incurred for nothing. He was surprised to hear the right hon. Baronet opposite express his astonishment the other night that the hon. Members for Bristol and Invernessshire should have intimated the same

incredulity as he had done, as to the possibility of excluding slave-labour sugar from this country, when once free-labour sugar the produce of foreign countries should be introduced. Why, there was scarcely any difference of opinion in the commercial world on this point:—that the certificates of origin were not worth a straw, and that slave-labour sugar could be encouraged under this system in like manner as if it were introduced directly.

Mr. *Hampden*: It was said that America had an absolute right to send her own sugar to this country without any of these conditions being required of her—that the grant was absolute which allowed her to send her sugars into this country at the same rate of duty as other countries. He confessed it struck him that this Bill did no more than confer on the trade of America the same commercial advantages which it did in every other country, and in the same terms, and therefore America could not claim a right to enjoy these advantages, unless she submitted to the terms upon which they were afforded. There appeared, however, to be some ambiguity upon this point, as it was said that America would claim exemption from being obliged to produce those certificates of origin. In the Treaty there was no mention made of any such conditions; the right appeared to be absolute which entitled America to bring her produce here at a low duty. It was said, that these Treaties should be construed literally, and, therefore, there was no condition of this kind mentioned to which she was bound to conform, and that she might deny their power to exact from her their certificates of origin. That, however, appeared to be contrary to common sense. This point, he thought, ought to be cleared up by a distinct declaration on the part of the Government; or if any such ambiguity really did exist, it was most important that it should be removed by the introduction of a few simple words into the Act of Parliament. He hoped that the House would extend somewhat greater indulgence to him now than it was disposed to do on a former occasion. He was told that, on the last night he had the honour of addressing the House upon this subject, he ought to have bowed to the impatience that was then manifested, by resuming his seat at an earlier hour. When, however, a man finds himself in a situation of great embarrassment and surprise, for which he is not prepared, all he can well do is to follow the impulses of his nature. He must frankly acknowledge that he felt himself placed in this kind of situation on the night in question, and he followed those impulses which were natural to it. Believing that the scale of duties proposed by Her Majesty's Government was calculated to inflict material injury on the West-India interests, and being very anxious to avert the calamities that must ensue, he confessed that he heartily joined in the efforts that were made to defeat this scale, but he could, with equal truth, declare that he as heartily concurred in the determination to discontinue all opposition to the Bill after the first decision; and he thought that the determination expressed by the hon. Member for Bristol, to withdraw from the contest on the first hostile decision, ought to be sufficient evidence that the opposition to the Government was not of a factious character. He only sincerely hoped that this measure might be very different indeed from what he anticipated. He was confident that it would be enforced by those Gentlemen who were now in power with strict regard to justice to all parties.

Mr. *Gladstone* felt perfectly convinced that there was no Gentleman who usually acted with the Government to whom a charge of factious conduct could be attributed. Of the West-India body generally, though they had been unfortunate for many years past, and had many difficulties to struggle with, he believed that a more honourable body of men did not exist. Now, with regard to the certificates of origin, to which the hon. Gentleman opposite objected he admitted to the right hon. Gentleman (Mr. Labouchere) that this was a most important part of the Bill, and if it could be shown that there was the great risk of fraud being committed under it as the right hon. Gentleman supposed, it would no doubt be a practical objection to the Bill. The right hon. Gentleman said the power of preventing the fraud rested entirely with the certificate of origin. That was not the case. Whenever the mercantile law required the production of certificates of origin, it did not exclude the power of demanding other evidence. It was no new principle that proof of origin should be required; in point of fact, under the commercial law of this country now, it frequently happened that you required to ascertain the

origin of foreign articles imported into this country. Take an example under the present navigation laws. The produce of Asia, Africa, and America could not be admitted from the ports of Europe without proof of origin; and when any vessel brought hides, tallow, wool, and other articles, which were produced both in Europe and tropical countries, from any European ports, it was the duty of Custom-house officers here to ascertain the origin of those goods. This proof of origin was, as the right hon. Gentleman must be aware, one of the most important principles of our navigation laws. Therefore, he contended this was no new principle, it was no novelty or untried experiment, now to be brought into operation for the first time, but one that was already in existence, and had been long acted upon; neither was it any new duty imposed upon the revenue officers, but one that they were already called upon to discharge; and how was that duty now discharged? Not by instituting judicial investigations in every case, because no necessity for any such inquiry arose in every case. But when there was any reason to suspect a fraud, then an examination took place, but when there were no grounds for suspecting that a fraud was intended then the examination of the ship's papers was sufficient. And in all the frauds committed in the Customs department, they had never heard, except in a single instance, of any fraud under the navigation laws. Therefore, they were not to suppose that the efficiency of the Bill depended altogether on the certificate of origin. The right hon. Gentleman had said further, that no certificate of origin, depending upon the signature and veracity of foreigners, had been required in any case. He did not know whether the right hon. Gentleman meant by foreigners, foreigners holding official positions, or those engaged in mercantile transactions. If the right hon. Gentleman meant foreigners holding official positions, his answer was, that no such certificate would be now required. And with regard to foreigners carrying on mercantile businesses, the requiring of certificates from them was no novel feature. Certificates, the right hon. Gentleman said, were of no value where there was an inducement to deceive. He, however, demurred to that proposition. Of course the stronger the motive to deceive the weaker was the check. But the right hon. Gentleman himself had been called upon in 1839, when Vice-President of the Board of Trade, to defend a provision in a new law introduced by the then Chancellor of the Exchequer (Mr. Spring Rice), when the interest to deceive was tenfold greater than any that could arise under the present Bill. He alluded to the alteration introduced by the late Government in the duties on coffee. Previous to that time, the duty charged on West-India coffee was 6*d.* a pound; on coffee the produce of British possessions within the limit of the East-India Company's Charter, 9*d.* a pound, and on coffee produced in foreign possessions within the same limits 1*s.* a pound. The Chancellor of the Exchequer proposed by that measure to equalize the duty on East and West India coffee, the produce of British possessions. It was, however, objected that this would be to hold out an inducement to those states in India which did not form parts of the British possessions there to take their coffee into the British territory, and so get it in at the low duty. That objection, however, did not succeed; and he (Mr. Gladstone) had never heard that any fraud, such as was anticipated, had resulted from that measure; or that fraud had ever been attempted; and the certificate of origin had in that case been effectual in promoting the introduction of foreign coffee though the premium held out in the scale of duties thus established was not less than 6*d.* a pound, or, taking the expense of trans-shipment into account 50*s.* a cwt. Then, as to the danger of slave-grown sugar being imported from Cuba into America, and from thence into this country as American produce—he contended that the expense and difficulty attending the operation would far more than counterbalance any profit that might be expected to be derived from it. The fraudulent operation could never be conducted at as small an expense as the legitimate trade, and in this case there would be the expense of trans-shipment, the double voyage, first to America, and from thence to England, which, upon an average might be taken at 4*s.* a cwt. There would be no interest, no inducement, therefore to commit fraud, and even if there were no certificates of origin at all required, he should say that there was no fear that any extensive fraud would result. Then, said the right hon. Gentleman, how can you

tell that sugar from Cochin China would not find its way into China, and so into this country under the new duty; and that the sugar we should receive from Java would not really be the produce of Siam, and the sugar from the United States not that of Cuba? And then the right hon. Gentleman speaks of the objection to mixing up our Consuls at foreign ports with investigations involving the veracity of individuals. He (Mr. Gladstone) contended that this was by no means a difficult or an onerous duty—not by any means so onerous as you now impose upon them in the case of the bonds required in the export of ships' provisions. Now, as to the difficulty of preventing the growth of Cochin China finding its way into this country through China, and so on in respect to other slave-grown sugar coming in through free-labour sugar growing states, he apprehended that in every country in which there was a British commercial community, the articles of export and import were well known: and it would be at once known when sugar was imported from any particular port or exported to any particular port, whether the transaction was legal or not, and that the commercial community, there, and the British Consul, would at once know whether the import or export was intended for the purposes of fraud or not. It was no difficult investigation for the Consul; but a matter which he would be able to determine by the exercise of a little of that which the hon. Member for Montrose (Mr. Hume) appreciated, and justly appreciated so highly—a little common sense. And he might here take the opportunity of saying, in answer to an observation of that hon. Member's that he was entirely mistaken in supposing that he (Mr. Gladstone) had applied to him the epithet "stupid." If he had done so, he should take the earliest opportunity of apologising; but he assured the hon. Gentleman that he was altogether mistaken. If they were here dealing with silk, or lace or any light article that might be packed in a small compass and easily disposed of, the case would be different. In articles of that kind, it was true, importations might take place, and great difficulty be experienced in proving their origin or their re-export; but here they were dealing with an article so heavy and so bulky, and in which the demand and the trade was so regular, that he had never before heard it suggested that any such fraud as the right hon. Gentleman anticipated could be perpetrated. It was hardly possible to conceive, where there were so many disadvantages attending the process, the parties would attempt any deviation from the ordinary and legitimate course of trade. Facilities for smuggling always depended upon the bulk of the article in proportion to its value. It was easy to make regulations to prevent smuggling in bulky articles, the great difficulty was in light articles. But there was another circumstance in the case which would operate as a practical check against fraud. In no two countries was sugar packed in the same way. In Java it was packed in baskets, in Manilla and the East Indies in bags, in the Havannah in boxes, and in our own Colonies and Louisiana, in casks. [An hon. *Member:* It might be re-packed.] Yes, but that would require labour and expense, and must be done—if to any extent—openly and in the face of day, and any attempt to commit fraud in that way, even were it attempted, would inevitably lead to detection. They were not to expect that parties would attempt to introduce foreign sugar into New Orleans, or lower down towards the mouth of the Mississippi, and in that case incur the expense of carriage to the port, and repack it, in order to introduce it as American sugar here. Cuba sugar now entered largely into consumption in America, where it was subject to a duty of 18*s.* 8d., to collect which there was a sufficient force of revenue officers kept up: and it was not likely that the whole course of trade would be altered for the purpose of committing a fraud. Upon this point he had received a letter from a gentleman of free-trade opinions, well acquainted with New Orleans, who said that nothing could be more visionary than to suppose that American sugar would, under ordinary circumstances find its way into this country, and still more so to suppose that Cuba sugar would come in through America. The expense would be so great that no profit would attend the transaction There was also another important difficulty. There were no warehouses in the port of New Orleans: the duty, therefore, must be paid on the goods entering, and to obtain the drawback on their re-export, they must be in the same packages in which they came in. These facts, he thought, sufficiently removed the objections of the right hon. Gentleman. The

right hon. Gentlemen had said that the certificates would not operate in excluding slave-grown sugar, and that that was the opinion generally entertained in the commercial world. He denied the proposition; on the contrary, the effectual exclusion of slave-grown sugar was the most important feature of the present scheme. Before he sat down he wished to refer to a statement made on a former evening by the hon Member for Weymouth (Mr. Bernal) that the charge for freight was as great from New Orleans to New York, as from New Orleans to Liverpool, to prove which, the hon. Member read a Return, showing that the average cost of freight to Liverpool was 9-16ths of 1*d.* and to New York, 11-16ths of 1*d.* He had been informed that there was this error in reading that Return—it should have been the cost of freight to Liverpool 9-16ths of 1*d.*, and to New York, 11-16ths not of a penny, but a cent.

Mr. *B. Hawes* said, that the arguments of the right hon. Gentleman had failed to produce that conviction on his mind which was necessary to induce him to give his assent to the clause. The only answer which the right hon. Gentleman had given to the objection urged by his hon. Friend, that the sugars of slave states would be substituted for those of free-labour countries, and thus under a false certificate of origin evade the operation of the clause, was, that the expense of this process would necessarily be so great as to nullify all the benefit to be expected from it, and therefore that such a circumstance would never occur. The right hon. Gentleman had estimated that expense at 4*s.* a cwt., or at all events at not less than that sum; but if that part of his argument held good, and if the extra cost which must inevitably occur in the shipment and trans-shipment of sugars would operate as a preventive to any such transaction, why, he would ask the right hon. Gentleman, did he clog his measure with so unnecessary a clause as the present one requiring a certificate of origin? Then again the duty imposed by the clause upon the British Consul was of a novel and objectionable nature. The Consul was not only to receive the foreign declaration as to the origin of the sugars about to be shipped for consumption in England, but he was to make a declaration upon that declaration—that he believed it to be true. Now, this was not a duty which ought to be imposed on a British Consul; it was a totally new, and an unprecedentedly onerous duty, and, moreover, it would, he apprehended, give rise to much fraud, or at all events create a vast temptation to persons to lend their sanction to fraudulent shipments of sugar. There was another anomaly which he observed in the Bill, and which merited a passing comment, namely, that, in general, Acts of Parliament provided for the punishment of those who offended against their enactments, by ordaining that some penalty should be inflicted for such breach of the law, whereas the Bill in question contained no such provision; nor was there any penalty or other punishment set forth as liable to be enforced on those who contravened or disregarded its clauses. The right hon. Gentleman had urged as a convincing reason why the slave-grown sugar from Cuba could not be trans-shipped under a false certificate of origin from New Orleans, the circumstance that those sugars were subjected to a very heavy duty on their being imported into the state of Louisiana, which not being recoverable by way of drawback on the re-shipment of the sugars under a certificate of origin, inasmuch as the form of the packages would be changed, would totally prevent such a transaction from being profitable to the person who should have recourse to this method of evasion. But let him suppose that the state of Louisiana, foreseeing the advantages which would arise to its commerce and capital from such a traffic, were to change its present laws, and to establish a system of warehousing in bond, similar to that practised here. In that case, the whole of the right hon, Gentleman's arguments fell to the ground, and, indeed, as the sugar grown in America would in no wise be affected by such a commerce, it was clear that the interests of the State would be consulted by promoting it, and that the system of bonding in warehouses would be adopted there. Whenever a new and important branch of commerce in an article of consumption of primary necessity suddenly arose, all incidents relating to it modified themselves to suit the circumstances which rendered such changes necessary, and the trifling obstacles referred to, of shapes and sizes of packages and similar minutiæ, would be altered to suit the conveniences of the place or port to which such commerce should be trans-

ferred, and this, the right hon. Gentleman must be aware, would completely nullify the provisions of the Bill, which contemplated the permanence of the present state of commerce in the foreign countries where it was intended to have an effective operation.

Viscount *Palmerston* observed, that the right hon. Gentleman's speech in defence of the clause did not go very far to cut away the ground upon which the objections which had been urged against it rested. The right hon. Gentleman had asserted, that no temptation to fraudulent shipment of slave-grown sugars would exist under the Bill in its present form, because the advantage to be derived from such a proceeding would only be to the extent of 4*s.* a cwt. On the other hand, the right hon. Gentleman had asserted that one of the strongest motives which he could urge to the House for the adoption of this measure was the encouragement which it would hold out to the Brazilian and other slave-sugar-growing states to abolish slavery, and to qualify their sugars for admission to the British market. Now, the right hon. Gentleman had placed himself in this dilemma—namely, either that the advantage to be derived from shipping slave-grown sugar under false certificates of origin was greater than what he had estimated it at, or else that the motives which he urged on behalf of the Bill were quite groundless, seeing that for so trifling an advantage as 4*s.* a cwt. the Brazilian and other slave States would never consent to forego their present cheap mode of producing the article. But the real question at issue before the Committee was the validity of the guards by which the right hon. Gentleman had surrounded the proposed alteration in the present law. For himself, he thought they would be no security whatever. The certificates of origin required by the Clause would always be obtainable at a very small price, and the imposition of such a restriction was only throwing an additional temptation in the way of those whose duty it would become to watch over the shipments of sugar, to give false certificates of origin. Moreover, the Bill provided for the exercise of functions partaking of an inquisitorial nature in countries where the Government, its framers, had not the slightest authority. The declaration of the person offering the certificate of origin for corroboration by the British Consul was a mere affirmation, not secured by oath. That declaration the British Consul was to certify according to his belief to be true. Now, on behalf of the whole body of British Consuls, he protested against the imposition of such a duty upon them. It was an office quite distinct from the ordinary routine of their duties, which were confined to the protection of British commerce and other analogous matters. But to establish the British Consul as a judge of the veracity of the foreigners amongst whom he resided, more particularly in matters of trade or commerce, was placing him in a most invidious and a most painful position. He would be constantly creating enemies, and his utility would be entirely destroyed. The great policy of a British Consul was to live harmoniously and to avoid, if possible, too great a mixing up in private life with the natives of the place where he was stationed. He had known difficulties to arise from a British Consul having formed private connexions with the families residing in the place where he was stationed. But by the Bill before the Committee those difficulties were created wholesale, and in a manner to destroy all the utility of that office. On those grounds he regretted very much that the right hon. Gentleman had thought the interference of the British Consul necessary, and indeed he thought the certificates of origin might be given up without any inconvenience, as the arguments urged in their defence manifested; or at all events it would be a wise modification of the Clause if the right hon. Gentleman were to depend on the foreign shippers' certificate alone, and to refrain from saddling the British Consul with so onerous and so invidious a duty.

The *Chancellor of the Exchequer* thought that the argument of his noble Friend was imperfect. His noble Friend had urged that the Government was inconsistent, because they stated on the one hand that there was no temptation for the grower of slave-sugar to attempt fraudulently to enter it at our ports, while, on the other hand, they held out the right of entry as a boon to be enjoyed under certain conditions by the foreign grower. Now, his noble Friend did not draw the proper distinction between the cases. What his right hon. Friend near him had stated was, that the introduction of sugar direct from Cuba, for example, would allow it to come into successful competition with

other sugars in our market; but that if it could only be introduced by a circuitous route, and by means of a distant port, the expenses and the risk would be so great as to render the adventure too unprofitable to be undertaken. With respect to what had been urged by his noble Friend, as to the unfitness of Consuls to undertake the proposed duty of granting certificates, it would be recollected that a similar duty was already discharged by Consuls in the cases of British subjects in foreign parts drawing money from home. He believed that that duty was always honestly and well performed. The Consuls were honourable men, and would at once state their objections to a document presented for their signature, had they any reason to believe it untrue. Why was a Consul to be more sensitive than other British commercial authorities? Was there anything in his office or position to render him obnoxious to the people among whom he resided which did not equally apply to collectors residing in British Colonies? He contended that there was nothing objectionable in the duties to be entrusted to the Consuls, and that there was nothing in the situation of these latter to prevent their honest and adequate discharge.

Dr. *Bowring* saw no strength in the argument of the right hon. the President of the Board of Trade, that the Navigation Act gave practical evidence of the facility of ascertaining the origin of imported produce. It was true that the Navigation Act prohibited the importation, from the ports of Europe, of Articles not of European produce; but it should be recollected that articles of ultra-European produce differed so little from those produced in Europe that in nineteen cases out of twenty their origin could not be ascertained. A certificate of origin could be of no use, because there was not a port in Europe where there would not be a manufacturer of certificates of origin, not even excepting this metropolis. The dishonest merchant would avail himself of those fraudulent certificates, and make them instruments in defeating their declared object. It was perfectly impossible that the Consul could attend the loading and unloading of vessels, or make himself acquainted with all those minutiæ which were requisite in order to his giving those certificates. The right hon. Gentleman was putting upon the Consul a most onerous, difficult, he would say, impossible duty. In his opinion, there was no solution to this most intricate, embarrassed, and entangled question, but by recognising what the noble Lord had put forward. "If you are to have a differential duty, do not embarrass yourselves by endeavouring to trace the origin of the article." His experience enabled him to say, that there was not a Government in Europe that had not found the inutility of such certificates.

Viscount *Sandon* said there were only two ways in which sugar could come from America; either by paying the duty in America and then coming here, in which case the duty would be a sufficient protection; or by getting a fraudulent certificate of origin from the British Consul. But he must have his eyes closed if the goods could be taken out of bonding warehouses without his knowledge, and imposed on him. Even without certificates of origin, he thought there was little likelihood of this trade being carried on, for there were only moments when it would be valuable. In the event of any change in the warehousing system, he thought those certificates would afford no trifling protection. He was aware that in America documents of this description were sometimes forged, but they belonged to a class of cases of a very distinct character. In this case the goods were in bonded warehouses, and this circumstance, together with their bulk, threw great difficulties in the way of successful fraud.

Mr. *Hume* said, the situation in which it was proposed to place the Consul, was a very awkward one for them. The temptation to smuggling would entirely depend upon prices here, and if they were remunerating, he would not like to be the Consul in a good many ports he could mention, who would refuse a certificate when he was asked for it, he considered that the whole affair was a humbug.

Mr. *Labouchere* entreated the Government not to encumber the Bill with those certificates of origin. They would do no good, but would be productive of great mischief. He could not help thinking that, under certain circumstances, there might be considerable inducement to evade this Bill. He did not now refer to Orleans, or Florida only, but to the whole line of the United States of America, to whom we were bound by Treaty. We were bound to admit sugar equally from New York and those ports where there were no

Consuls, as well as from those where Consuls were located. We were bound to admit sugar from St. Bartholomew, and from the Mexican ports, Tampico and Vera Cruz. The right hon. Gentleman had stated that our trade with the United States could be got rid of by giving a year's warning. He (Mr. Labouchere) thought there would be no end to the sacrifices we would have to make by adopting such a remedy. He believed we could not admit free-labour foreign sugar without giving a corresponding encouragement to foreign sugar, the produce of slave-labour. He said "a corresponding encouragement," for he always attached great importance to this other branch of the subject, namely, the encouragement given to slave-labour produce, by withdrawing free-labour sugar from other markets, leaving the vacuum to be filled up, as it must be, by slave-grown sugar. He always attached more importance to the encouragement thus afforded to slave-grown sugar than to the admission of slave-grown sugar into this country. No one could confidently predict what would be the consequences of the proposed measure. Suppose foreign slave-grown sugar and Louisianian sugar met together at New York, and that a change in the markets having taken place, it became more profitable to send sugar to London than elsewhere, could any man doubt that some of the slave-grown sugar would find its way into this country, notwithstanding any vigilance that the British Consul might exercise? He was satisfied that the present course of legislation, while it would produce most unfortunate results with regard to some of the most important countries in the world, and cause us to make great sacrifices, would not discourage slave-labour in foreign countries.

Mr. *Gladstone* relied with considerable confidence on the continuance of the present duties in America. It was the prevalent opinion in America, that if protective duties were removed the cultivation of sugar in Louisiana would be much contracted. Unless some very great change took place be thought those duties would not be altered.

Dr. *Bowring* enquired what was to be done in cases where sugar was to be exported from ports where there were no British Consuls?

Mr. *Gladstone* replied, that he did not think that there was any sugar-exporting port of any consequence in America, where there was not a Consul who would certify sugar. Consuls would be appointed to Manilla; and as to Java, although the Dutch Government objected to admitting a consular officer, properly so called, yet there was nothing to prevent the admission of a person competent to discharge the duty of certifying sugars. The Bill would be amended in this respect.

Mr. *A. Chapman* was of opinion that to demand certificates at ports from whence only free produce was exported, was hampering trade with unnecessary restrictions. He believed that they need be under no apprehension of slave-grown produce coming from the east of the Cape of Good Hope, and that they should therefore require no certificates with sugars exported from that part of the world. Certificates should be dispensed with as much as possible, as hampering and restricting trade.

Mr. *Thornely* wished to know whether it was intended to admit sugar from China, Java, or Manilla imported before the 10th of November, at the low duty, without a certificate of origin.

Mr. *Gladstone* said, if they consented to admit sugar without a certificate of its origin, they would lay themselves open to just animadversion. It was not intended to admit stock now in bond, or which might be in bond by the 10th November, unless accompanied by a satisfactory certificate of origin.

Viscount *Palmerston* said, with the view of taking the sense of the House on the propriety of requiring certificates in general, he would divide on this Clause.

The Committee divided on the question that the Clause as amended stand part of the Bill:—Ayes 114; Noes 60: Majority 54.

List of the AYES.

Ackers, J.	Bowles, Adm.
Acton, Col.	Broadley, H.
Arbuthnott, hon. H.	Brooke, Sir A. B.
Archdall, Capt. M.	Bruce, Lord E.
Arkwright, G.	Buckley, E.
Baring, hon. W. B.	Campbell, Sir H.
Baring, T.	Campbell, J. H.
Baskerville, T. B. M.	Cardwell, E.
Bateson, T.	Chapman, A.
Beckett, W.	Chute, W. L. W.
Blakemore, R.	Clerk, Sir G.
Bodkin, W. H.	Clive, hon. R. H.
Borthwick, P.	Cockburn, rt.hn. SirG.
Botfield, B.	Corry, rt. hon. H.

Damer, hon. Col.
Darby, G.
Denison, E. B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir G. E.
Douglas, J. D. S.
Dowdeswell, W.
Drummond, H. H.
Egerton, W. T.
Eliot, Lord
Escott, B.
Flower, Sir J.
Forman, T. S.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes.
Gladstone, rt. hon. W.
Gladstone, Capt.
Godson, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Grogan, E.
Halford, Sir H.
Hamilton, J. H.
Hamilton, G. A.
Hanmer, Sir J.
Hardy, J.
Harris, hon. Capt.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Hussey, T.
Irton, S.
Irving, J.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Kemble, H.
Ker, D. S.
Knatchbull, rt. hn. Sir E
Lawson, A.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lopes, Sir R.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
McNeill, D.
Manners, Lord C. S.
Masterman, J.
Mundy, E. M.
Nicholl, rt. hon. J.
O'Brien, A. S.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Pusey, P.
Rushbrooke, Col.
Sandon, Visct.
Shaw, rt. hon. F.
Sheppard, T.
Smith, A.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Sutton, hon. H. M.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Vesey, hon. T.
Vivian, J. E.
Whitmore, T. C.
Wodehouse, E.
Wortley, hn. J. S.
Wortley, hn. J. S.

TELLERS.
Young, J.
Lennox, Lord A.

List of the NOES.

Aglionby, H. A.
Armstrong, Sir A.
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Bernal, Capt.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Buller, E.
Busfeild, W.
Chapman, B.
Clive, E. B.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Duncan, G.
Fielden, J.
Forster, M.
Guest, Sir J.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Howard, hon. C. W. G.
Howick, Visct.
Hume, J.
James, W.
James, Sir W. C.
Labouchere, rt. hn. H.
Langston, J. H.
McTaggart, Sir J.
Mangles, R. D.
Marsland, H.
Mitchell, T. A.
Morris, D.
Ogle, S. C. H.
Ord, W.
Palmerston, Visct.
Pendarves, E. W. W.
Philips, M.
Plumridge, Capt.
Power, J.
Protheroe, E.
Pulsford, R.
Rice, E. R.
Roebuck, J. A.
Scholefield J.
Seale, Sir J. H.
Stanton, W. H.
Stewart, P. M.
Strickland, Sir G.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Wakley, T.
Walker, R.
Wawn, J. T.
Wood, C.
Wyse, T.

TELLERS.
Smith, V.
Hill, Lord M.

On Clause seven, giving power to Her Majesty by Order in Council to declare the sugars of countries with which Her Majesty has treaties of reciprocity as to duties, to be admissible at 34*s.* per cwt., and 5 per cent. additional.

Mr. *Baring* wished to put a question to the right hon. Gentleman opposite on the subject of Danish sugar, and the bearing of the treaties we had concluded with Denmark. The amount produced in the Danish colonies had been stated at 13,000 tons: it was, however, not a question as to the amount, but as to the good faith of the country, and the engagements into which we had entered. When the budget was under discussion, he had stated that he considered the sugars of Denmark were entitled to come into the country, if the sugars of any other country were introduced. The right hon. Gentleman opposite contradicted him, and the Chancellor of the Exchequer, in subsequently enumerating the countries whose produce we should be bound to admit at a lower rate of duty, omitted Denmark. Now, he was anxious to have an explanation of the grounds on which the right hon. Gentleman was of opinion that Denmark was not entitled to that admission. The commercial relations between Great Britain and Denmark were regulated by the Treaties of 1661 and 1670, and in more modern times by that of 1824. The eighth article of the Treaty of 1670, after stating the obligations of Denmark towards England, went on to stipulate that

"The subjects of the King of Denmark should have, in all respects, the same privileges as the subjects of the King of England; that subjects of Denmark trading in the ports of Great Britain should not pay any more or greater customs, tributes, tolls, or other dues, in any other manner than the people of the United Netherlands, or any other countries trading hither shall pay."

In the 40th section this stipulation was even extended, for it was said,

"That if greater privileges or exceptions were granted to the subjects of any other countries than were now enjoyed by them, the same and like privileges should be granted to the subjects of the King of Denmark also, in the most full and effectual manner."

On consulting with persons in that House, whose names would be of weight within its walls, they concurred with him in opinion, that according to the words of this Treaty they could not understand how Government could place on it a construction which should refuse to the sugars of Denmark the same privileges which were granted to the Hollanders, or the natives of any other country placed on a favoured footing. The words he had referred to were rather different from those of the "favoured nations" Clause in modern treaties; but according to the legislation of that time the Clause was quite effectual for conferring on Denmark the advantages of the most favoured nation. The Danes might justly consider it as a grievance of the most serious kind, if we admitted the sugar of Holland at 34*s*., and charged that of Denmark at 63*s*. It might be said, that we did not make this difference from any wish to show preference to Holland as a nation, but because the sugar of the Dutch colonies was free grown, and we might set up some distinction which would not bear examination to support this. But what did we propose with regard to the sugar of America and Sweden? To admit them at a lower rate of duty, whether they were free labour or not. With what reason or justice could we grant to America or Sweden a privilege which we denied to the Danes? How was it possible to reconcile this conduct with the Treaty into which we had entered with Denmark? If the Bill was founded on the consideration of discouraging slavery rather than of promoting commerce, Denmark had peculiar claims on this ground. Denmark was the country which first abolished the Slave Trade, the ordinance for which was issued in 1792. If Ministers were really anxious to discountenance slavery, he did not think there was any country which had so great a claim on this account as Denmark. Although that country had not yet abolished slavery, it had made arrangements for ultimate abolition in its colonies. The right hon. Baronet had declared that if the Brazilian Government were prepared to modify the state of slavery with a view to its ultimate abolition, he would be ready to enter into a negotiation with that power, with the view of admitting Brazilian sugar. Now Denmark had clearly done that which the right hon. Baronet had required Brazil to do, what he had made a *sine qua non* with that country, but in a manner more satisfactory and secure to us, because it had done it of its own will; it had not been compelled, nor had it acted in the hope of a bargain. We might be perfectly satisfied, therefore, that it was honest, and that having made ameliorations in the condition of slavery, it would perform what it had undertaken, by the entire abolition.

Mr. *Gladstone* said, the right hon. Gentleman had stated very strongly, and with considerable truth as well as force, the claim which Denmark ought to have on the favourable consideration of the British Parliament in measures which have relation to a disposition to discourage slavery, and consequently to favour those nations which show satisfactory intentions in that respect. He concurred with the right hon. Gentleman in much that he had said, and he was very glad to take an opportunity of acknowledging his belief that the Government of Denmark was honest in their intentions of abolishing slavery in the island of St. Croix. With respect to the dry question of right, the first thing he had to observe was this, that so far as the Treaty was concerned, if it should appear on a more solemn and formal consideration of it by the most competent persons, that Denmark was entitled to have its sugar admitted at a low duty, the Bill empowered Her Majesty to give effect to the obligations of the Treaty. No decision ought to be pronounced till it had been referred to the highest legal authorities; and the right hon. Gentleman would therefore excuse him if he did not speak with entire confidence. He confessed it was quite new to him when the right hon. Gentleman opposite stated the right of Denmark on this subject. He believed that the impression of both Governments was—and he remembered that the Danish ministers had held this language to himself, without any reserve or doubt not very long ago—that their obligations to one another, for the concession of particular privileges were determined, not by that ancient Treaty to which the right hon. Gentleman had re-

ferred, but by the Treaty concluded by Mr. Canning and Mr. Huskisson in 1824. That Treaty was one of commerce as well as of navigation, and it provided that all goods and merchandise from Denmark, coming into our ports, should be admitted at the same rate of duty whether in one class of vessels or the other. He was not prepared to say that the word subjects in the former Treaty could be construed as extending to Colonies. According to the Treaty of 1824, it was not incumbent on either party to extend, unconditionally, concessions to each other, which might have been made to subjects of other countries.

Lord *Palmerston* said, he believed that if the Treaties of 1670 and of 1824 were looked into, it would be found that the view which his right hon. Friend took of the subject was perfectly correct. The Treaty of 1824 was unquestionably a reciprocity Treaty which gave to the vessels of Denmark and of Great Britain equal privileges and immunities—placing them in all respects upon the same footing. In the Treaty of 1824 there was nothing which went to regulate the matters which formed the subject of the eighth clause of the Treaty of 1670. From this Treaty nothing could be more clear than that Danish subjects trading to this country did not pay more than other strangers; and let it be remembered that the whole of this Treaty was confirmed by the Treaty of Kiel. With respect to the conversation which the right hon. Gentleman had with the Danish minister on the subject of these Treaties, when it was understood that the representative of Denmark had intimated to the right hon. Gentleman that his understanding of the Treaties was the same as that of Her Majesty's Government, he could only say that the Danish Minister might entertain such an opinion, and he might incidentally express it; but even if he had done so deliberately and advisedly, Denmark might, nevertheless, revive that claim which under these Treaties she undoubtedly possessed, and he thought, therefore, that this country could not refuse to Denmark the concessions to which his right hon. Friend had referred.

Mr. *C. Wood* contended, that the Treaties of 1661 and 1670 were maintained in force by the more recent Treaties. Under those Treaties the subjects of Denmark were entitled to import the produce of Denmark into Great Britain at the lowest duties. It was clear that the stipulations of those Treaties applied to Danish subjects importing Danish produce into Great Britain, and that they had a right to import that produce at the lowest possible duty to which the subjects of any other nation were liable. The question was, whether the words in the clause were sufficiently large to allow the Government to grant this advantage, if, on consideration, they should be convinced that the subjects of Denmark were entitled to that privilege.

The *Chancellor of the Exchequer* said, there was one point struck him with respect to the practice that prevailed at the time that those Treaties were adopted—namely, that higher rates of duty were imposed on a certain class of foreign merchants than were imposed on English merchants at the time. He apprehended that the construction of those Treaties was, that the Danes should not be subject to those alien duties from which Holland had been previously exempted.

Mr. *Labouchere* observed, that under the present Bill it would be practicable to admit Brazil sugar.

Mr. *Gladstone* said, the point should be reserved, and he would, on bringing up the Report, again call attention himself to the subject.

Clause agreed to.

On Clause 10, on the question that this be the preamble of the Bill,

Mr. *T. Duncombe* said, looking at this preamble, Sir, it strikes me that one portion of it is not true, and I therefore intend to move that certain words should be omitted; but I do not intend to propose that any other words should be inserted instead of them. I find it stated in the Preamble that we 'have freely and voluntarily resolved," &c. Now, what I propose to move is, that these words "freely and voluntarily" be omitted. As I said before, I do not propose to insert any other words though I do think nothing would be easier than to find other words much more appropriate. It will be in the recollection of the House that on Friday last we freely and voluntarily resolved against the Ministerial proposition, the 34*s.* duty—the numbers being on a division 241 and 220, leaving a majority of 21 against Ministers. On Monday evening the right hon. Baronet came down to the House and said it was impossible that he could acquiesce in any such deci-

sion. He said it must be altered, and he insisted upon our adopting the original words, threatening that if we did not accede to his demand, he would resign, and hand over the reins of Government to the noble Lords and right hon. Gentlemen near me. ["No, no."] Then, if not to Gentlemen on this side of the House, he was to hand over to the Government hon. Gentlemen who sat below the right hon. Baronet. Perhaps the right hon. Baronet did not very particularly specify to whom he would hand over the Government; and I may be wrong in thinking that any threat was held out; but if the right hon. Baronet were to resign, I presume that the noble Lord near me would be the individual called on to supply his place; and, though I am not to call it a threat, I beg the House to remember the words which the right hon. Baronet used. He said to his followers, that he knew they differed from him—that they differed from his policy—that they differed from his measures; but differ as they might, he should continue in the course which he had resolved to pursue, and they were at liberty to follow him or not, as they thought proper. Such was the language which the right hon. Baronet held, and what were the consequences? Some hon. Members changed their votes altogether. I believe four or five voted diametrically the contrary of what they had previously voted; others absented themselves; and the right hon. Baronet was astonished at the success of his own manœuvre, for, on Monday, instead of being in a minority of 21, he found himself in a majority of 20. Now, Sir, I don't blame the right hon. Baronet at all for the course which he took—I don't blame him at all for the language which he used to his supporters behind him—I think he treated them exactly in the manner that they deserved to be treated. I think, after the experience he had of them upon a former evening during the Factory Bill, when they were so kicked, cuffed, and insulted that they are quite capable of standing a little more, and kicked again no doubt they will be. I must say there never were a set of Gentlemen—there never were a set of spaniels so well broken in, and so submissive to their master as they were upon that occasion. Then, I ask this House, what do you suppose the people out of doors will think of this transaction? Do you suppose that of all the Parliaments that ever existed in this country there ever was a Parliament or a House of Commons on which was bestowed so much of the contempt of the people of England as there is upon this House? I tell you there never was a House of Commons that was so intensely hated, distrusted, and despised, as is the present House of Commons. Her Majesty's Government certainly are the ridicule of the country, they are the laughing-stock of everybody in England; and the contempt of all Ireland. Why the House of Commons is to be so dragged through the mire at the will and pleasure of such Ministers I am totally at a loss to conceive. I really do think that those hon. Gentlemen opposite have found that they are in worse hands as far as free-trade measures are concerned than they would be if they were in the hands of right hon. Gentlemen near me. Sir, I want to know whether the right hon. Baronet considers the last vote of this House upon this question as a vote of the confidence of this House. After all, who was he saved by? Why, thirteen Gentlemen on this side of the House, some five or six of whom call themselves the leaders of the free-trade party in this country—they came to his rescue. The West-Indian interest came to this House and asked this House only for a 20*s.* protective duty. ["No, no."] Yes, 20*s.* protective duty, the difference being 10*s.*; but these free-trade Gentlemen, so anxious are they for the safety of Her Majesty's Ministers, that they must come and say, "Oh! but you don't know your own interests; we'll give you 14*s.* protective duty; you shall have 4*s.* more than you asked for yourselves." The public, I am quite satisfied, are not to be mystified by any misrepresentations that may be sought to be crammed down their throats upon this point. The public must see that the sole object of those free-trade Gentlemen was to retain Her Majesty's present Government in office, and such has been the result of this vote. Now, I say, upon free-trade principles, if we had had the good fortune to see them out of office the following morning, that the Sugar Duties propounded by the noble Lord were more favourable to the consumers than those secured by the present Bill. I say so upon free-trade principles, and on those principles, therefore, I can't understand why the free-traders thought proper to keep in office Her Majesty's present Ministers. At public meetings where the

Corn Laws have been discussed we have heard of a good deal of difference of opinion, and we have heard the working classes called Tory-tools, because they don't always agree with the League, and sometimes saying, "We won't vote to abolish your monopoly unless you do away with all monopoly of the franchise." Then they are called Tory-tools." I want to know who'll be called "Tory-tools" now? Not the working classes, depend upon it, after this. No; but what I want to guard against is the delusion going forth to the country, when this Preamble is agreed to, that we "voluntarily and freely" gave this money to Her Majesty. I say, upon the face of the Preamble of this Bill, there is a falsehood—it's a positive falsehood; and upon that ground I must most respectfully ask of the right hon. Baronet that he may think it proper, at all events, not to add insult and injury to the degradation and humiliation which he has brought upon this House.

Question put.

Sir *R. Peel* said, considering the opportunities which the hon. Gentleman has had of maturely considering this question, and the very peremptory manner in which he has pronounced his judgment, not only upon those on whom perhaps he has a right to pronounce a judgment,—that is to say, upon the right hon. Gentlemen who sit immediately behind him,—but upon Gentlemen also upon this side of the House, I think he ought—assuming the judicial character—to have made himself better acquainted with the facts of the case. The hon. Gentleman says it was the proposal of Her Majesty's Government to give a protective duty of 20*s.* to British colonial sugar. Now, that was not the proposal of Her Majesty's Government. The proposal of Her Majesty's Government was to give a protective duty of 10*s.* But the Gentlemen opposite who supported me never proposed to give a protective duty of 14*s.*—that was not the proposal of the hon. Gentlemen who sit behind the hon. Member for Finsbury—that was the proposal of the hon. Member for Bristol; and if Her Majesty's Government had made that proposal the hon. Gentlemen who supported Her Majesty's Government would probably have concurred with the hon. Member in peremptorily rejecting that proposal. The hon. Gentleman, then, is manifestly incompetent to pass a judgment, and he is so because he has not thought it worth his while to make himself acquainted with the facts of the case, which I really thought, until I heard him speak, were not unknown to one single Member of this House, considering the lengthened debate we have had and the great importance of those facts; and I doubt whether the country will not be disposed to find fault a little with those who show such utter ignorance of the facts and yet venture to pronounce so peremptory a judgment as the hon. Member. The hon. Gentleman supposes it to be a degradation for the House of Commons in matters relating to commerce and finance, upon one night, after receiving a full explanation of the subject ["*Hear*" *and laughter*]—yes, after receiving a full explanation of the subject, to reverse its decision of a previous night. But I shall have the hon. Gentleman's vote to-morrow at any rate. [Mr. *Duncombe*: What about?] Well, now I am going to tell the hon. Gentleman why he is not aware of what has passed to-night. I forgive him his ignorance of what passed the other night, but he really ought to know what has occurred to-night. The right hon. Gentleman the late President of the Board of Trade expressed this evening a strong opinion that he would be able to persuade the House to reverse a vote of three previous nights. He said, "No doubt I shall be able to show you that the principle of discrimination between free sugar and slave-labour sugar is altogether untenable, and that to-morrow night you will negative the principle altogether." But on Monday, the 3rd of June, it was resolved, upon discussing a Motion of the noble Lord the Member for London, to recognise the principle of discrimination. The noble Lord proposed, towards raising the necessary supplies for defraying Her Majesty's public expenses, that, instead of the present duty, 34*s.* a-cwt. should be charged upon all brown Muscovado or clayed sugar, from what country soever it came, and that Motion was negatived by a majority of 197 to 128. The whole of the subsequent proceedings with regard to this subject have been founded upon the proposition that the decision which the House then came to in negativing that proposal was a just one. Yet the right hon. Gentleman or the hon. Member for Montrose, perhaps on his recommendation, will propose to-morrow night to reverse all that it has been doing,

and by so reversing its proceeding abolish all discrimination between sugar the produce of slave-labour and sugar the produce of free-labour, and place the two upon exactly the same footing. I can only say, if the hon. Member carries his proposal, that it will be a complete reversal of the whole of our proceedings; and if those proceedings have been wrong, it will be a very proper reversal. But can I give a greater proof that in the opinion of hon. Gentlemen opposite there is no insult to this House in making a proposal to reverse a former decision, and no degradation in acquiescing in it, than that given by the right hon. Gentleman himself when he rises in his place and very distinctly declares that he shall to-morrow vote for a perfect reversal of all our proceedings, and that he has a very confident expectation that he shall succeed in his object? I stated the other night no doubt that this was not a mere question between 20*s.* and 24*s.*; but I said that a reversal of our proposal would materially interfere with our commercial and financial policy. I stated the reasons for the Government proposal, and distinctly said that we could not act up to our desires with regard to free and slave-grown sugar next year unless this year we gave some sign of what it was our intention to do. I stated that to the House upon Monday. It had not been stated before, and I stated it then to show that it was not a mere question between 24*s.* and 20*s.*, but that it was in point of fact, a highly important question, having a considerable bearing upon our future proceedings; but it is quite new to me to hear that in matters of this nature it is a degradation to reverse our decisions. I recollect Lord Althorp, in a much more important matter than this—with regard to the Malt Tax—when the House had decided upon the repeal of half that tax, came down to this House and stated to the House that important financial questions were involved in the decision, and asked the House to reverse that decision to which it had come; and I recollect that the House did, at the request of Lord Althorp, so reverse its decision—and I cannot concede to you the use or necessity of the various stages through which every Bill must pass, unless we are at liberty in a subsequent stage to amend our proceedings in a previous stage. I must, however, grant that I am obliged to the hon. Gentleman for the fairness of the construction which he has put upon the words I used upon the occasion to which he referred. I have been represented as saying with respect to other Bills also, that Her Majesty's Government expect complete acquiescence in every proposal we may make. The hon. Gentleman put a right construction on what I did say. I never gave utterance to so arrogant a sentiment. With regard to the Welch bishoprics, I never stated that Her Majesty's Government expected acquiescence in their views; but I did say that it was with regret Her Majesty's Government found that their proposal was not approved of. With regard to the question of factory labour and the Dissenters Chapels Bill, I found with great pain that the course of the Government met with opposition on the part of many hon. Friends of mine, who had given generally a strenuous and generous support to the Government. I stated, I think, also that there were other measures which would be brought under the consideration of the House on which probably the same differences would prevail. I expressed my warmest acknowledgment for the generous support which the Government had received upon former occasions from them; in asking their support, however, upon that occasion I did say that the Government could not consent to purchase it by an abandonment of the great principles which they had avowed, and to which they were determined to adhere. I stated that with all deference and respect to them and to the House. I did, no doubt, mean to indicate with respect to this question that I did think it materially interfered with our financial and commercial arrangements, and I did probably intimate what might be the possible consequence of a withdrawal of support. I thought it fair to do so. I knew I should have been taunted if I had said nothing about it, and had concealed my real opinions, and therefore I asked for their support,—not because this was a question between 20*s.* and 24*s.*, but because I thought it would amount to an indication that the House of Commons disapproved of our proposals with respect to the sugar duties. I doubted whether it would not be equivalent to a disproval of the principles upon which we were about to act—of discrimination between slave-grown sugar and free-labour sugar; and I thought it did amount to an indication of that want of confidence which ought to be followed beyond a

doubt by such a result as want of confidence pointed to. Those were exactly the expressions which I used, and by which I must abide; but I totally disclaim the intention or the fact of having stated that with respect to every measure introduced by the Government we expected the votes of our general supporters, and insisted upon the complete adoption of all our measures. Those conclusions have been stated for the purpose of dissatisfying my hon. Friends behind me; but I do hope that my hon. Friends—[*Laughter from the Opposition*]—yes, I say hon. "Friends," for I must say that no man speaking of general measures ever received greater proofs of confidence than I have received,—I do hope that my hon. Friends will not be deceived by the circumstances to which the hon. Gentleman has referred for the purpose of promoting dissension not only upon this, but amongst Gentlemen upon his own side of the House. It is perfectly right for the hon. Gentleman to quarrel with his own side of the House, but I trust that the hon. Gentleman will not attempt to sow dissension amongst us, but that he will allow us to remain united as we are, and I have no doubt we shall remain so. All that the hon. Gentleman will have gained from the present proceeding will be—first, to prove that he has not made himself master of the facts of the case; and, secondly, the inutility of attempting to foment disunion amongst those who are opposed to him.

Mr. *Labouchere*: I should not have said anything upon this subject had I not been alluded to in so pointed a manner by the right hon. Baronet who has just sat down. He said that I had held out to the hon. Member for Montrose strong hopes that the House might be induced to reverse its former decision. On reflection, I must say, that I am open to the rebuke of the right hon. Gentleman. I cannot undertake to encourage my hon. Friend to expect that the House will prove itself equally ductile upon that question which will be submitted to it to-morrow as it has lately been. My hon. Friend has not the arguments at his command that the right hon. Baronet has; and if, therefore, I did, in the heat of debate, hold out any hopes of too sanguine a nature to my hon. Friend, I beg to retract them, and to assure him that he will find this House as obdurate upon Monday as it has been tractable before. I must congratulate the right hon. Baronet upon the far more cheerful tone in which he has just addressed the House than that with which he spoke so lately—and which I must say is a very strong contrast to his language and demeanour altogether upon a recent occasion. If the right hon. Gentleman has in any degree modified the expressions which he then used, certainly I do not intend to rebuke him for having done so—on the contrary, I confess I am glad that he has done so—and I am sure that the House and the country must be rejoiced to hear from him expressions tending to indicate that upon mature consideration he feels that the language held by him upon a late occasion is not altogether that which it became a British Minister to address to a British House of Commons. I agree with him, and I said so at the time, that I think nothing would be harder on an Administration, nothing more unjust to Parliament itself, than that the Government should not have the power on grave occasions of asking the Legislature to reconsider, and it may be to reverse, a decision which it had already come to. What alarmed me on the late occasion was, I confess, the argument which the right hon. Gentleman used in support of the course he was taking. I certainly understood him to say,

> "If this is a small matter,—if it is not after all of first-rate importance — whether the duties upon British colonial, and foreign sugar should be either 34*s*. and 24*s*., or 30*s*. and 20*s*., yet I think that the little importance of the question is an additional reason for insisting that the House of Commons must support me."

There was another part of his language which I thought also open to condemnation. He appeared to blame Gentlemen upon his side of the House who give a general support to the Government, but who, upon this particular occasion, withdrew that support, and framed a Motion calculated to obtain the support of Gentlemen on this side of the House. What did that mean? Why it meant this,—I will allow you the license of opposing me on certain points, providing you carefully shape your Motion so as not to suit hon. Gentlemen opposite—provided you bring forward such Motions as those upon the Tariff, for example, just so as to enable you to say to your constituencies, 'We are fighting our battles against the Government to the best of our power;' but at the same time take

you great care to frame your Motions so that you may be quite sure that the majority of the House will not support them. So far from deserving rebuke, I confess that I admire the straightforwardness of the hon. Member for Bristol, who, having undertaken to fight the battle of a great interest, did not shrink from fighting it fairly; and when he found that he could not carry his own views fully into effect, he did, as any honourable and sensible man would do, so modify his Motion that we could support it. I do not think that such conduct deserves the rebuke of the right hon. Gentleman. On the contrary, it was conduct which an independent Member of this House ought to pursue. I thought, therefore, that the language of the right hon. Gentleman was fatal to the character and independence of this House. I can only say now, however, that I heartily rejoice to hear what I cannot help calling the somewhat altered tone of the right hon. Gentleman. With regard to the Amendment of my hon. Friend—I think it has been very useful in producing this discussion; but at the same time, I can hardly say that I think the House ought to support it. I think, if we are to vote supplies to Her Majesty, that it would be as well not to omit those customary words which merely mark the readiness which the House always feels in supplying the necessary means for carrying on the Executive Government. Perhaps, therefore, my hon. Friend will be content not to press his Motion.

Mr. *T. Duncombe*—I will not give the House the trouble of dividing. I think, Sir, the right hon. Gentleman has shown himself rather ungrateful to me for having given him an opportunity to explain himself, and to state how great is the unity which he now says exists among him and his hon. Friends. I think he ought to be thankful to me for affording him an opportunity to make such a nice sort of apology, and that instead of accusing me of being a fomenter of dissension in this House, he should have acknowledged that I have come forward as a peacemaker. Therefore, I shall not press my Motion, because I do not wish to create further division. But I still think that portion of the preamble to which I have objected quite untrue. With regard to the 20*s.* and 24*s.*, the mistake I made was calling it a protecting duty; I should have left out the word "protecting." I say we were perfectly justified, as free trades, in preferring the 20*s.* duty to the 24*s.* duty.

Sir *J. Hanmer* rose to explain his conduct, as an independent Member of the House, and to express the great satisfaction with which he had heard the speech of the right hon. Gentleman. He could assure that right hon. Gentleman that he did hear the speech the right hon. Gentleman had made on Monday evening with a great deal of pain, and for several reasons. The right hon. Gentleman entertained, he thought—perhaps he was wrong—a sort of feeling that there was—to speak in plain language—a kind of intrigue on that (the Ministerial) side of the House, between certain persons who professed generally to support the Government and some of those who held intentions of a very contrary kind. The right hon. Gentleman upon that occasion made several observations which bore upon other questions besides that which now—[*Loud interruptions.*]—The right hon. Gentleman spoke of that among others.—[*Cries of* "Order."] He wished to speak with all possible respect to the House. Among other questions, the right hon. Gentleman spoke of a question which materially affected his country—the principality of Wales. Upon that question a great feeling existed throughout the country. Now, it was perfectly true that the arrangements to which the right hon. Gentleman alluded, took their rise from a Commission which was appointed some years ago; and he only begged leave to say, that whenever that question should come under the consideration of the House of Commons, it must not be concluded that he and his hon. Friends distrusted the right hon. Gentleman, disapproved of his Government, or had any lack of gratitude for the great services he had rendered his country, if they then expressed an opinion which might not altogether coincide with his. It had sometimes happened to him, in the difficult discharge of his duty, as an independent Member of Parliament, to differ from the right hon. Gentleman, but at the same time with the highest personal respect for him, and the greatest satisfaction and admiration of his general policy.

Mr. *Ross* was understood to say, that the whole matter had been exceedingly well managed by the hon. Gentlemen on the Ministerial side of the House. But however the right hon. Baronet might excuse himself for the threats he ad-

dressed to his supporters under the irritation of the moment, he did not think they exhibited themselves in a very agreeable light. He could compare them only to dancing dogs, who, in going through their Conservative evolutions, did not always dance to time or set the figure correctly, when the right hon. Gentleman produced the little whip which he carried in his pocket, and made them turn round on their hind legs at command.

Mr. *Borthwick* obtained a hearing with difficulty. His object, he said, was to explain his vote. Those who supported Her Majesty's Government had been called so many spaniels and dancing dogs. But the hon. Gentleman who threw out the latter taunt was a dancing dog himself. On the factory question the hon. Gentleman changed his views. And it should be remembered that it was not upon a question of 4*s.*, nor of 7-16ths of 1*d.* but upon a question of public principle, which affected the rights and privileges of a large class of Her Majesty's subjects. He would not be tempted to enter into this question; but he had voted with Ministers upon the merits of the Bill believing them to be right. He could tell the hon. Gentleman opposite that there were two kinds of spaniels or dancing dogs —one which feared the threats of a Government, and the other the threats of unpopularity. I, said the hon. Member, brave both. I have supported Her Majesty's Government upon principle from the beginning, and feel not the rebuke of the hon. Gentleman; but I think those hon. Gentlemen behind me ought not to be taunted by the hon. Member, who himself danced round upon his hind legs on the factory question.

Mr. *Ross*: The hon. Member charges me with being guilty of that of which I accuse others. He says, I gave one vote on the Factory Bill one day, and the next another. I deny it. The fact is true, but the hon. Gentleman's inference is false. The hon. Gentleman has spoken of some kind of cowardice. I don't know what cowardice is. I tell him I will give him in a moment a satisfactory explanation. I was determined to do that on a doubtful question which I thought would be most agreeable to my constituents. [*Cheers.*] You cheer as if there was no force or value in the word "doubtful." With the greatest anxiety I had canvassed the subject with some hon. Gentlemen near me who can bear witness to the truth of what I say; and I told them I was doubtful in my mind, and was determined to be guided by authority. The authority was not that of a Minister. I would not bend to the will of any man, but I did show my willingness to attend to those most interested in the question, to the operatives themselves, and to the masters of factories. To them I bowed as an authority, and I have letters in my possession which ought to be satisfactory to every just man. Masters of factories have told me, that last year they were desirous that a Ten Hours' Bill should be passed, but that such was the pressure of circumstances in the present year, they could not retain their opinion in this respect. It is very easy for Gentlemen to laugh and turn an explanation into ridicule, but I am confident that what I say will bear investigation; that on investigation it will be found I have not acted in any degree from unworthy motives, and that my vote on the Factory question cannot be viewed in the same light as the votes of those hon. Gentlemen who recently acted in direct opposition to their own sentiments.

Colonel *Sibthorpe* said, amid renewed uproar, that no one doubted the statement of the hon. Member, although he regretted the hon. Member did not read the whole of the letters to which he alluded. Some hon. Members on his (Colonel Sibthorpe's) side of the House had been taunted with having acted too submissively, and had been on that account described as spaniels. He could only say, that he should much prefer being a spaniel to an ill-bred cur.

The Amendment withdrawn.

Preamble agreed to.

House resumed. Bill to be reported.

Lord Lieutenant of Ireland.] Sir *R. Peel*: The hon. Member for Carlow rose to put a question to me to-night, on the meaning of which I think I put a wrong construction. The hon. Member asked me whether Earl De Grey had resigned his position at the head of the Irish Government? I replied that it was not true. But I thought the hon. Member's question was directed to ascertain whether a resignation had taken place upon any grounds of public policy.

Captain *Layard* said, he had merely expressed a wish to know if the rumour of Lord De Grey's resignation were correct?

Sir *R. Peel*: I thought the hon. Member had enquired whether the resignation had taken place on public grounds, and I said at once it had not. I did not think it likely that the hon. Gentleman would put the question on any other ground. I stated, at the same time, that my noble Friend the Lord Lieutenant of Ireland had suffered so severely from illness, that he had long desired to resign. I hope nothing that I said could lead the hon. Gentleman to suppose that an immediate change in the Irish Government is not in contemplation. And the change is solely in consequence of my noble Friend's illness.

Mr. *Hume* hoped the right hon. Baronet would take the opportunity of saving the country a great expense, by abolishing the useless office altogether.

Sir *R. Peel*: I have a higher respect for the opinion the House expressed scarcely a month since than would be shown by such a proposition.

NIGHT POACHING PREVENTION.] Mr. *Wallace* moved that the Lords' Amendments to the Night Poaching Prevention Bill be read a second time.

Agreed to.

Mr. *Escott* had no doubt that the Lords' Amendments had improved the Bill; but he objected to the whole Bill upon principle. He thought that the present Game Laws, in their operation were oppressive and destructive to the liberties of the people; he, therefore, strongly objected to extending the power of magistrates, in favour of preserving rabbits on the high roads, to the extent to which that Bill went. He therefore moved, that the Lords' Amendments be read again that day six months.

Mr. *Bouverie* would oppose the reading the Lords' Amendments. He thought that the Game Laws were already quite stringent enough.

Captain *Berkeley* said that the whole scope of the Bill was the protection of honest people, and not the rendering the Game Laws any stricter.

Mr. *Roebuck* believed that many hon. Gentlemen had mistaken the object of the Bill. It would be found that its object was to make more stringent laws already stringent enough. If any Gentleman had followed out the administration of the Criminal Laws, as he had, he would have found that the Game Laws were a most fruitful source of crime. To game, people would not attach, and indeed there could not be attached, any idea of property. That House was composed of lovers of field sports; let them love them if they would, but he implored them not to be so wholly absorbed in that predilection as entirely to forget the first feelings of their nature. His great objection to the Bill was, that it would indirectly lead to the crime of murder. In the few cases of murder which had occurred in the north of England, two out of three had arisen from poaching or the unlawful pursuit of game. Men went out not attaching the idea of property to game, they met armed keepers, a collision ensued, and murder not unfrequently followed, when the life of a partridge, and not that of a man, had been their object when they set out. He entreated that the Bill might not be pressed; let the House recollect that they were legislators and not sportsmen.

Mr. *Darby* observed that they were not then discussing the propriety of Game Laws. It might be true that men, as the hon. and learned Gentleman had said, did not attach the idea of property to game, nor more did they in some instances to other things which he could mention. If they had Game Laws, let them be made efficient and perfect.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 63; Noes 12: Majority 51.

List of the AYES.

Ackers, J.	Greene, T.
Archbold, R.	Grlmstone, Visct.
Balfour, J. M.	Hamilton, J. H.
Berkeley, hon. C.	Henley, J. W.
Berkeley, hon. Capt.	Hepburn, Sir T. B.
Blackburne, J. I.	Howard, P. H.
Boldero, H. G.	Hussey, T.
Borthwick, P.	Irton, S.
Bruges, W. H. L.	Jermyn, Earl
Clerk, Sir G.	Jolliffe, Sir W. G. H.
Cripps, W.	Knatchbull,rt.hn.SirE
Darby, G.	Lawson, A.
D'Eyncourt,rt.hn.C.T	Lennox, Lord A.
Douglas, Sir C. E.	Lincoln, Earl of
Drummond, H. H.	Lockhart, W.
Duncombe, hon. A.	Mackenzie, W. F.
Egerton, Sir P.	McNeill. D.
Eliot, Lord	Marsham, Visct.
Flower, Sir J.	Martin, C. W.
Fremantle,rt.hn. SirT.	Masterman, J.
Fuller, A. E.	O'Brien, A. S.
Gaskell, J. Milnes	Pechell, Capt.
Goulburn,rt. hn. H.	Peel, rt. hn. Sir R.
Graham, rt. hn. Sir J.	Peel, J.

Rashleigh, W.	Tufnell, H.
Rushbrooke, Col.	Waddington, H. S.
Sibthorp, Col.	Wawn, J. T.
Smith, rt. hn. T. B. C.	Whitmore, T. C.
Smollett, A.	Worsley, Lord
Stanley, Lord	Young, J.
Sutton, hon. H. M.	TELLERS.
Thessiger, Sir F.	Wallace, R.
Trotter, J.	Berkeley, H.

List of the NOES.

Brotherton, J.	Mitchell, T. A.
Collett, J.	Morris, D.
Dickinson, F. H.	Roebuck, J. A.
Duncan, Visct.	Wyse, T.
Duncan, G.	
Hume, J.	TELLERS.
McGeachy, F. A.	Escott, B.
Mainwaring, T.	Bouverie,

Main question agreed to.

Amendment with Amendments read a second time.

House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Friday, June 21, 1844.

MINUTES.] BILLS. *Public.* — 1ª. District Courts and Prisons Establishment; Parishes (Scotland); Court of Chancery (County Palatine of Lancaster); Charitable Trusts in England and Wales.

Reported.—Brothels, etc. Suppression; Law of Libel Act Amendment.

Private. — 1ª. London and South Western Railway; Wells Harbour and Quay; Duke of Hamilton and Brandon's Estate.

2ª. Edinburgh and Glasgow Railway; Garnkirk, Glasgow, and Coatbridge Railway; Brighton, Lewes, and Hastings Railway.

Reported.—South Eastern Railway; Sir J. J. R. Mackenzie's (Scatwell) Estate; Mackenzie's (Seaforth) Estate; Manchester Stipendiary Magistrates; Manchester Bonding; Lakenheath Drainage; Canterbury Pavement.

3ª. and passed:—Brighton and Chichester Railway; South Devon Railway; British Iron Company; Manchester Police.

PETITIONS PRESENTED. From Wighill, and a great number of other places, for Protection to Agriculture.—From Aberdeen, and 3 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Attornies and Solicitors of Birmingham, against the Bankruptcy and Insolvency Laws Amendment Bill.—From Edinburgh, for Extending the provisions of the Brothels, etc. Suppression Bill to Scotland.—From Weems, for Improving the Condition of Schoolmasters in Scotland. — From Southampton, for the adoption of a Measure for the better Recovery of Small Debts.—From Rochford, and County of Rutland, against the Union of St. Asaph and Bangor.—From Canterbury, and 2 other places, against the Dissenters Chapels Bill.—From Bath, against the Abolition of Church Rates.

DON CARLOS.] The Earl of *Clarendon* said, that seeing his noble Friend, the Secretary for Foreign Affairs, in his place, he wished to ask him for some explanation respecting a matter on which he saw, from the Votes of the other House, a Notice of Motion had been given; and on which he should not have troubled him but for a statement which had been made by the right hon. Baronet, at the head of the Government, when the subject was lately brought forward in the House of Commons. He alluded to the correspondence which had taken place between Don Carlos and a noble Lord, containing the proposal which that Prince had made, or had been induced to make, for the marriage of his son with the Queen of Spain. He said "induced to make," for it appeared that Don Carlos had been in communication with a party in this country; or rather, he should say, a party in the House of Commons—a party which had lofty intentions respecting the regeneration of everything at home, but whose foreign policy seemed to be confined to the restoration of Don Carlos to the throne of his ancestors, from which he (the Earl of Clarendon) should say he had been lawfully excluded. The question of the right of Don Carlos did not appear to have been taken into consideration by these Gentlemen; and it was said that an Ambassador had been sent with full powers to Don Carlos previous to further measures being taken for his restoration. He returned, proposing this marriage, but without any renunciation of Don Carlos's claims to the Throne of Spain, and without any allusion to the form of Government hereafter to be established in that country. He (the Earl of Clarendon) was aware of this application at the time, but he took no notice of it, and he should not have done so now, if it had not been for the speech of the right hon. Baronet at the head of the Government, who said that that communication had been forwarded by Her Majesty's Government to the Spanish Government without any communication, because they thought that it was a matter in which the Spanish people were alone concerned. If this were correct, it might give an unfortunate character to the transaction, because it might make it appear that Her Majesty's Government were indifferent to the consequences which would result from such an union. The noble Earl must be aware that the return of Don Carlos into Spain would call into activity the Church party, which, of all others, was the most ruthless and fanatical, and which would, in fact, perpetuate the civil war. But as such a communication had been made to

the Government of the Queen of Spain, without any renunciation on the part of Don Carlos of his claims to the Throne, and with no expression from the British Government, except that the Spanish people were to decide the question—he considered that an unfortunate proceeding, for it would cause some doubt as to the policy which the British Government intended to pursue for the future. He would have moved for the Correspondence which had taken place between Don Carlos and the Government, but as he understood there would be some difficulty in the way of its production, in consequence of its not having been of an official character, he should merely content himself by asking some explanation of his noble Friend, and he had no doubt that his answer would be satisfactory.

The Earl of *Aberdeen* said, that he would request his noble Friend and the House to believe, that whatever part the Government might take in connexion with this delicate question of the marriage of the Queen of Spain, all due attention would be paid to the honour and independence of that country. He by no means meant to deny that it might not be the duty of a friendly state to give advice on that or any other question in which its interests might be concerned, and which, though confined essentially to Spain, might affect the whole of the system of European policy. It was perfectly true that a noble Lord, not a Member of that House, had delivered to him (the Earl of Aberdeen), a letter from Don Carlos, in which His Royal Highness referred to that noble Lord as possessing his opinions and intentions, and as being authorized by him to declare his intentions, and to describe the whole of the sacrifices which he was disposed to make for the pacification of Spain. As far as he (the Earl of Aberdeen) understood those sacrifices, they amounted undoubtedly to a renunciation of his own claims to the Throne of Spain, on condition of the marriage of his son with Queen Isabella; but whether or not this renunciation was to be contingent on the marriage, or whether his son was to marry the Queen as her subject, or as her Sovereign, he (the Earl of Aberdeen) did not now know. Consistently with the policy which Her Majesty's Government had always followed on the subject, he thought it only a part of his duty to bring the proposal to the knowledge of the Spanish Government; and when his noble Friend said, that he did not press it on the Spanish Government there must be some mistake. What was said, or ought to have been said, was, that he did not press for any answer to that proposal: but he thought it his duty to communicate it, leaving them perfectly free to do what they thought proper, and he had at the same time also communicated it to the French Government, with whom we were acting in strict concert. He did not press for any answer, for he did not consider one necessary, for this reason, because the opinions of Her Majesty's Government on the subject were perfectly well known to the Spanish Government, and to every other Government in Europe. If this contest had been confined to a mere question of succession, such a marriage, supported by the Spanish people, he could conceive might have been a very proper means of terminating the differences, and reconciling the claims of the respective parties in that country; but, during this contest of more than seven years of civil war, he apprehended the whole question had undergone a complete change. It was now no question of doubtful succession, but a question of a principle of government—it was now a question between constitutional government and despotic rule. Therefore, a marriage which might, in the origin, have reconciled the difference between these parties, would now have the effect of introducing civil war into the palace, as well as into the country. This was not the first time that he had expressed this opinion, and he saw nothing in the state of Spain which gave him any reason to change it; but, at the same time, he wished to put the Spanish Government in possession of the proposal, and he consequently had communicated to them the overture to which his noble Friend had referred, Personally, he had no objection to the production of this Correspondence; but, on the whole, he thought, that it was scarcely of a nature proper to be called for, and, as he had now shown the exact nature of the case, his noble Friend, he believed, would hardly think it necessary to press for it.

INSOLVENT DEBTORS ACT AMENDMENT BILL.] Lord *Brougham* moved, that the Report of the Amendment be now received. The object of the Bill now before their Lordships was to amend the Act passed two years ago for amending the Law with respect to Insolvent Debtors. By his noble

and learned Friend's Bill, passed seven years ago, 1 and 2 Vict. c. 110, arrest on mesne process was abolished, except where the party was immediately going abroad, and even then he could only be arrested on a Judge's warrant. The only question consequently which remained to be dealt with was, how most safely and efficiently to get rid of arrest in execution, with due reference at once to the just claims of the creditor and the interests of the well-intentioned but unfortunate debtor. With a view, therefore, to the interests both of debtor and creditor, it was advisable they should, as far as possible, comply with the recommendation of the learned Commissioners, made ten years ago, and get rid of imprisonment on arrest in execution, still, however, keeping in view those five classes of misconduct on the part of a debtor, viz., when he contumaciously refused to disclose his property; when he refused to be examined as to his property; when, his property being known, he refused to give it up; when he fraudulently made away with it; and when he had been guilty of gross and scandalous extravagance —running in debt, for instance, to the extent of 15,000*l.*, when his income was not more than 150*l.* The question was, how was this object to be best effected? There were two ways proposed; one of these was what he had introduced in 1842, and which passed into law in the month of August in that year. Since that period, indeed, it might be said that Imprisonment for Debt had practically ceased, since every debtor who thought proper to petition the Court of Bankruptcy, or giving due notice to his creditors, was entitled to the protection of the court from arrest. This placed him in a different position from the man who went before the Insolvent Commissioners, because their jurisdiction was grounded upon the presumption of previous imprisonment. The Act of 1842, the present law, enabled him, without going to prison, or even through the form of an arrest, to present his petition, and obtain his protection. It was an interim protection at first, but on obtaining the final order it became an absolute protection, which was a complete protection for his person against all creditors and all debts contracted before the date of his petition; but there were cases in which the interim protection ceased without his obtaining the absolute protection; and those were the five cases he had already enumerated. He could mention the case of a person who, with an estate of 10,000*l.* a-year in the West Indies, refused to give up a farthing of it, and lived in the Queen's Prison for ten years. The creditor, no doubt, got little by incarcerating him; but no one would say that such a man had a right to claim his liberty, or that in such cases the party ought to obtain the benefit of his (Lord Brougham's) Act of 1842. What was the principle of that Act? One which it was most important should characterise every great measure,—a self-executing principle, acting thus:—the Commissioners, perceiving that a fraud had been committed, would say, "Go about your business, we shall leave you to the mercy of your creditors; a writ of *capias ad satisfaciendum* may exist against you, because you do not deserve to be freed from imprisonment." In other words, the Act of 1842 abolished Imprisonment for Debt in favour of the innocent, but not in favour of the fraudulent or contumacious insolvent; and the present Bill amended that Act, by giving a discretionary power to the Judge to examine into the whole case of the insolvent, and in the event of his being found guilty of any of the five acts of misconduct already enumerated, to limit the amount of imprisonment according to the circumstances of the case; the insolvent, at the end of the imprisonment, being entitled to claim the benefit of the Act, so that the creditor would have no further power over him. Thus the law of imprisonment was retained only when crime had been committed. Nobody said that for such crimes the parties ought to be transported, scourged, or pilloried, the only remedy was to resort to imprisonment for a certain period. The difference between this Bill and the Bill of his noble and learned Friend was great. His noble and learned Friend's Bill began by abolishing imprisonment for debt absolutely and in all cases, guilty as well as innocent; but then it said that when a debtor underwent an examination, and that crime was found to have been committed, the creditor or the court might prosecute him—that was to say, for, amongst other crimes which the Bill enumerated, "raising money under false pretences." That was a crime in the eye of the law already; so was pretending to be a trader, and getting goods with the intention of defrauding; so also was "making fraudulent conveyances." But, supposing they were not crimes as the law at present stood, still there was to be a prosecution; an indictment, counsel engaged to find flaws in it; a trial, judgment,

and sentence, just as if the debtor had committed a crime totally unconnected with fraudulent dealing. He (Lord Brougham) objected to that principle, because it was not self-executing, while it gave every advantage to the fraudulent and contumacious debtor. But here was a case the most frequent of all, for which no provision was made in his noble and learned Friend's Bill, he meant the case of gross and culpable extravagance; a man not worth 20*l.* borrowing 20,000*l.*, or getting goods from a jeweller which he did not want, had not the means to pay for, and obtained merely perhaps for the purpose of squandering them on some worthless person, such as came within the operation of the Bill of the right rev. Prelate opposite. The Bill of his noble and learned Friend did not make that an offence, although it was one which demanded the severest punishment, because attended with the greatest injury to the creditor, while he who committed an offence of perhaps not one-tenth part, the magnitude was liable to the punishment of transportation. The man who got credit from an honest tradesman to the extent of 1,000*l.*, without any means of payment, morally speaking defrauded him; but his noble and learned Friend made no provision for preventing or punishing the fraud, although such a person not only defrauded the tradesman but he inflicted an injury on those who really did pay, for the tradesman was obliged to charge so much more as an insurance against bad debts. This had all the consequences of swindling, but yet it was no offence as the law stood, nor was it made one by his noble and learned Friend's Bill. Then, in the cases his noble and learned Friend's Bill did reach, it left the execution of the law to the creditor or the court. If, however, in such a case, imprisonment were enjoined, there would be a chance of getting a surrender of some property, or the friends of the party would come forward and enter into a compromise with the creditor. This was the advantage of his proposed arrangement by which the law would execute itself, and facilitate the chances of the creditors, getting their farthing in the pound, which was the average amount paid out of the Insolvent Court, while they had nothing to get by prosecuting; on the contrary, that it would cost them 3*l.* or 4*l.*, together with much loss of time. They might depend upon it that the creditor would not put himself to the trouble or expense of prosecuting his debtor by indictment; but his noble and learned Friend proposed that the Court should be allowed to prosecute; but it was a matter of absolute certainty that the Court never would prosecute, for if they did they would send so many cases to other courts as to occupy all the time of the latter. He had been asked to give up his own Bill, and to support that of his noble and learned Friend, but he had refused to do so, because he had previously been in possession of the field; for his measure on this subject had become law, and been in operation two years. Under the operation of his Bill the bankruptcy law had been applied in cases of insolvency, and the debtors of the persons applying to the Courts had to pay all their debts to the official assignee, and the debtor had also to surrender all his property, bills, mortgages, and everything else to the same officer of the Court. Therefore, he said that the whole machinery of bankruptcy was made applicable in all such cases. To show the beneficial working of the Bankruptcy Act of 1831, he would mention that not less than 2,000,000*l.* of money had been found out and paid as dividends, and which had been allowed to accumulate in various hands under fiats of bankruptcy. His late respected friend, Mr. John Smith, the banker, had stated on one occasion, when somebody observed that that provision of the law would be inoperative, that he knew of a case of 100,000*l.* being in the hands of a banker, and which amount had accumulated from unclaimed dividends on bankrupts' estates, or from sums which had been lost sight of. He happened to know where large sums, under such circumstances, had accumulated from bankruptcies which had taken place thirty-five years ago, and that some of them, in consequence of the money so discovered, had paid 20*s.* in the pound, and had left a surplus to the bankrupt or his representatives, and this had been effected by the joint agency of the learned Commissioners and of the official assignees. He felt some little confidence in his Bill, and thought it rather hard if, after so many years' labour and experience in connexion with this subject he should be called upon to abandon it. He said, abandon imprisonment for debt in every case in which it could be shown that the debtor was an innocent debtor, and not a culpable contumacious defrauder. His noble and learned Friend said, abandon imprisonment for debt, and force the proof upon the claimant—upon the creditor. His learned Friend said, "Don't continue the debtor in prison, but send him to the Old

Bailey or the Court of Queen's Bench, that he may be indicted, and punished with one year's imprisonment for one offence, with two years for another, and three years for another." But his (Lord Brougham's) Bill gave a summary power which would have the effect of punishing those who were really guilty: whereas, under the Bill of his noble Friend, 99 out of 100 would escape; and for those, the most numerous class of offenders — persons who, being possessed of 100*l.* borrowed 1,000*l.*, no provision was made. His noble and learned Friend had provided no remedy for such cases. Another thing — he had originally framed this Bill with an addition of compulsory process, so that if a man chose to petition, he would be brought into the position of a *quasi* debtor. He was anxious to enable a creditor to compel a person to petition and undergo examination, and to give up his property; because, unfortunately, as he said before, persons generally waited until their property was gone, because they sought the benefit of the Insolvent Act; but only insolvents who were not traders could voluntarily take the benefit of the Act. Unfortunately, ever since bankrupt laws were established, from the time of Henry VIII. downwards, a broad distinction had been made between persons in trade, and those who were not in trade; and though in later Acts greater restrictions were applied to the distinction, still there was an exception in favour of all persons not really and substantially gaining their livelihood by trading. That was the reason why he felt great difficulty in approaching this subject; for this distinction had grown up, and assumed its present form, and men were divided into classes, and they thought they enjoyed or were entitled to certain immunities. Had a Bill been made retrospective, and so framed that every one of their Lordships, all the Members of both Houses of Parliament, lawyers, judges, physicians, the clergy, and country gentlemen, whether in Parliament or not, could be liable to be summoned before a Commissioner of the Bankruptcy Court, and directed to deliver up their property in fourteen days, such a Bill would never have passed through the House of Commons. For past debts had been contracted upon the strength of the distinction between traders and non-traders; and a man might say—"If I had known that, I should have been more prudent, and not have contracted such debts." But this Act would not affect any debts before the 1st of January, 1845, nor any mortgage, bill of security, any liability of trust, or any money payable as administrator or executor on any mortgage contracted after that time to pay off a former mortgage; because, otherwise, the mortgagee might say, "If you do not pay me my 5, or 4, or 3½ per cent., I'll make you a bankrupt." The operation of the Clause would, therefore, only be with regard to debts prospectively contracted, and when the debtor would have a full knowledge of the consequences that might attend his contracting debts. He had felt it expedient to consult several learned Friends of his, on whose judgment he placed great reliance, and he found that there existed the strongest feeling against breaking down the distinctions drawn by the law between traders and non-traders. He, therefore, would not proceed further at present with this part of the subject. He had taken a broad step for the benefit of debtors in 1842, and having got a footing, and being able to step firmly, he felt disposed to do something towards drawing a distinction between the two classes of debtors; but after the best consideration that he could give to the subject, he had arrived at the conclusion that it was better that the whole question of the consolidation of the bankruptcy and insolvent laws should be postponed to another Session, as it required more attention than could be given to it at that late period of the Session. It should be recollected that the distinction between the classes of debtors had always been drawn by the law of England; and although the whole of the law conferred some advantages on the trader, it also extended advantages to the non-trader. The trader who became a bankrupt, on receiving his certificate, obtained a protection against all past debts, whereas this was not the case with the non-trader; and the reason of this was, that the presumption was that the debts of the non-trader, as was the fact in 99 cases out of 100, were contracted without necessity; and the inference was, that the trader was almost invariably obliged to contract debts to carry on the speculations which were essential to traffic, This was one reason for the distinction, but another was, that if you made the future gains of the trader who had been a bankrupt, liable for past debts, that you never would afford him the means of getting credit, for no person would let him have goods which might be swept away at any moment by the officer of the Court of

Bankruptcy. No reason of this nature could operate in the case of a non-trader. For instance, a man might have contracted several large debts, and being imprisoned in execution for them, he takes the benefit of the Insolvent Debtors' Act, and comes out of prison whitewashed, as it is termed. Now, supposing some years afterwards, this man came into possession of 10,000*l.* a year, was there any impropriety in the law making him pay his former debt? He had known cases of this kind, and he thought that it was only fair to the creditor that the future property of the insolvent should be liable. There was one general observation which he wished to make relative to the two Bills for Abolition of Imprisonment for Debt. He thought that in all cases the presumption was in favour of the creditor rather than the debtor, for the latter was obviously a man unable to pay debts which he had contracted, and which the creditor was entitled to. For this reason, he held that in the case of an insolvent the presumption was that a mere trader should not go without imprisonment, until he showed that there was no culpability on his part in contracting these debts. He thought, therefore, that his noble and learned Friend's Bill put the saddle on the wrong horse. It had been said, that if they abolished imprisonment for debt, that tradesmen would not give credit. Now, he was fully aware of the evils of an extensive system of credit, which ruined many creditors as well as debtors. He believed, however, that it was impossible to carry on trade as a merchant or broker, or even as a tradesman, without credit. He was fully alive to the evil of tradesmen entering into competition, not as to the goodness of the articles they sold, but as to the extent of credit which they gave. As long as this race of competition continued amongst tradesmen, there must be a long system of credit. He did not believe, as they had been told at the time would be the case, that the abolition of imprisonment on mesne process had diminished the extent of credit given by tradesmen. All that he asked, then, was the House to consent to take further steps to improve the measure of 1842; and, if they found by experience that it did not abolish imprisonment for debt in consequence of an imperfect machinery, still that there was plenty of time to go on, and he urged them not to adopt a new system which was very different from the one which they adopted two years ago. The noble and learned Lord concluded with moving that the Report of the Bill be then received.

Lord *Cottenham* said, that he did not expect that towards the end of June, he should be called upon to discuss a subject which that House had unanimously disposed of on the 30th of April. On that day he moved the second reading of the Bill for the Abolition of Imprisonment on Execution, and he knew that he should receive the support of several noble Lords, and he thought amongst others the support of his noble and learned Friend. He stated that he should be happy to postpone his measure until his noble and learned Friend came back, because he thought him to be favourable to it, and he was anxious to have his assistance; he therefore, postponed it. His noble and learned Friend, after his return, not finding it convenient to be in the House on a particular day, asked him again to postpone it, and he did so. The day at last arrived when his (Lord Cottenham's) Bill was to be read a second time, and when he had entered fully into its details, it was approved by his noble and learned Friend on the Woolsack, which gave him the greatest pleasure, and such approval afforded great satisfaction to the House and to the country; it also informed every unfortunate man in gaol for debt that the time would soon come when he was likely to be liberated from his incarceration without going through the tedious, expensive, and useless process of the Insolvent Debtors Court. From the day of that debate there had not existed in the mind of any unfortunate person in prison for debt any doubt that before the close of the Session the law would be altered, and he would be released—there were a great number of persons in that situation, who were anxiously waiting in anticipation of his (Lord Cottenham's) Bill becoming law. He had received letters from many of them on the subject. He found now that his noble and learned Friend (Lord Brougham) objected to the Abolition of Imprisonment for Debt; he was willing, it appeared, to mitigate it in certain cases, but he preserved it in principle. He said, he objected to destroying the distinction which had hitherto existed between insolvency and bankruptcy, and above all things, he objected to any proposition that had for its object the protection of the insolvent in the enjoyment of his future property, his debts remaining unpaid. He (Lord Cottenham) had hoped, when he saw his noble and learned Friend on the Woolsack rise, that instead of putting the question, he was

about to repeat the cogent arguments which he used on the 30th of April last in opposition to every one of the principles of the noble and learned Lord, and in favour of his (Lord Cottenham's) Biil. He would not ask their Lordships to recollect what passed on that occasion, for he had furnished himself with one of these authorities which the noble and learned Lord on the Woolsack would, no doubt, recognise as containing an accurate report of what he (the Lord Chancellor) said on that occasion:*—

"The Lord Chancellor did not rise to oppose the Bill of his noble and learned Friend; on the contrary, he begged to say, that he fully approved of its object and provisions for carrying that object into effect. His noble and learned Friend was perfectly correct in saying, that the subject had been maturely considered by the learned Commissioners to whom he had referred, and they had reported distinctly in favour of such a measure; and his noble and learned Friend, when he introduced the law for amending the Bankrupt Law, had provided for such an alteration in the law as this Bill proposed as part of his general measure. Unfortunately, however, his noble and learned Friend had not the opportunity of carrying his intentions in this respect into effect; for, while the Bill was upon their Lordships' Table, his noble and learned Friend ceased to hold the Great Seal. Nothing could be more inconsistent than the law as it at present stood that there should be two separate and distinct laws in the country with respect to the two different descriptions of insolvency—the Bankrupt Law and the Insolvent Law—which were distinctly opposed to each other as to the principles upon which they were respectively administered, especially in that one particular to which his noble and learned Friend had last alluded—the important particular which rendered the insolvent debtor, after all his property had been taken from him—when he had to commence the world again—liable to the payment of those debts for which he was supposed to be discharged by the Insolvent Debtors Court. It was, surely, sufficiently hard for a man to have to commence business, and as it were life again, without capital or property of any kind after his discharge by the Insolvent Debtors' Court; but if, in addition to this, they imposed upon him the liability to pay all the debts he had previously incurred, it would require more energy than most men were possessed of to bear up against it, and to endeavour, under such circumstances, by industry to acquire property. He (the Lord Chancellor) had always looked upon this as a most unwise provision in the Insolvent Debtors Law, and one that ought to be repealed. Another great absurdity was, that the two laws should be administered by two different description of Judges—the Bankrupt Commissioners in the one case, and the Commissioners for the relief of insolvent debtors in the other. It was for these reasons—it being represented that the Bill of his noble and learned Friend had for its object to assimilate those two branches of the law, and that it had also for its object that the law so assimilated should be administered by one set of Judges—that he supported it, reserving to himself, of course, the consideration of its details by the Committee. And he begged leave to say further, that he had himself carefully considered the subject when he brought forward the Bankrupt Law Amendment Bill, which was now the law of the land; and the only reason why he had not imitated the example of his noble and learned Friend, by including such a measure as a part of that Bill was, that feeling most anxious for the success of that Bill, he had avoided encumbering it with the provisions necessary for accomplishing his noble Friend's object, knowing too that the object might be effected by a separate Bill which might afterwards be introduced. He most heartily approved of these provisions of his noble and learned Friend's measure, and he would suggest that it should now be read a second time, and should then stand over for a short period before going into Committee, because he understood his other noble and learned Friend (Lord Brougham) had a measure in contemplation, which had been alluded to, and which, being in some degree connected with the same subject, ought to be before the House at the same time; and he thought his noble Friend (Lord Brougham) and their Lordships would concur with him that it might lead to some inconvenience to pass the one before they had the other before them, in order that they might have an opportunity of judging how far the machinery and objects of the one Bill bore upon the machinery and objects of the other."

His noble and learned Friend (Lord Brougham) had followed the Lord Chancellor, and stated that a learned person, a Sergeant at Law (Mr. Sergeant Manning), had been engaged in investigating the codes of many countries on the subject of the laws of Bankruptcy and Insolvency; and the statement which that learned person was preparing would shortly be put into his hands. A copy of this document had been sent to his house—he did not know what name to give it unless he called it a Report—it was addressed to the Lord Chancellor; but it had no beginning, or rather it began like a narrative, and it concluded, "all which is respectfully submitted to your Lordship," and was signed, "James Manning, Serjeant-at-law." He thought he had a sufficient knowledge of printing-office matters to say, that this document had been printed by direction of the Government, or of some Member of

* Hansard (Third Series), Vol. lxxiv. p. 457.

it. That document had assumed the form of a Bill which his noble and learned Friend (Lord Brougham) had introduced, of a most gigantic character, for it repealed all the Bankrupt Laws as they existed in this country, and enacted an entirely new code, which took away from the Court of Chancery the most important parts of its jurisdiction, and gave to the Insolvent Debtors' Court jurisdiction in accounts between parties, and the control over estates and other matters of account which now formed a great part of the jurisdiction of the Courts of Equity. [Lord *Brougham:* It is not compulsory.] It was in some cases; but, it appeared, his noble and learned Friend meant to postpone it. When, however, he found that this was the Bill which it was suggested in the debate of the 30th of April was proper to be considered with his (Lord Cottenham's) Bill—

Lord *Brougham* said, that finding that Bill had such a variety of objects, he had singled out portions from it. The present Bill contained such parts of it as no one entertained any doubt about—namely, the improvement of the jurisdiction given by the Bill of 1842.

Lord *Cottenham:* Now, after a lapse of two months, when the abolition of imprisonment for debt was a matter believed to be decided upon by the country at large, and more particularly by the unfortunate persons now confined, he hoped he should be able to convince their Lordships that they ought to adhere to the vote which they had given on the 30th of April, and not rescind it. There appeared then not to be two opinions on the subject. If ever Parliament gave its sanction to a measure before it was formally passed, they had done it by the course adopted on that occasion—he alluded more particularly to the speech of the noble and learned Lord on the Woolsack, which had the sanction of the noble Duke opposite, and he believed he was not going too far if he assumed that it was approved by Her Majesty's Government. It certainly also had the approval of their Lordships: for, in fact, he had not heard an opinion expressed against the principle of the Bill; and were their Lordships now going to say that imprisonment for debt should remain part of the law of the land? Were their Lordships now about to say that an insolvent discharged under the Insolvent Act should not have the enjoyment of his future property. Was the noble and learned Lord on the Woolsack now going to unsay all that he had then said? He did not, neither would he, believe it. Had any new light been discovered? Why did not his noble and learned Friend (Lord Brougham) state then what he had stated now? his opinion then appeared to be the very contrary of what he stated it to be now. After, however, the course which the noble and learned Lord had taken, he must ask for the indulgence of the House, whilst he refreshed their recollection of the grounds upon which he asked them to come to the decision which they had come to on the 30th of April. His noble and learned Friend had referred to a Report of Commissioners appointed to inquire into the subject in 1832. One of the individuals (Mr. Stephen) dissented, but the other four joined in the Report; and he trusted their Lordships, before they consented to undo now what they had done on the 30th of April, would look back to what those Commissioners had said. They came to the conclusion that imprisonment for debt in execution ought to be abolished; that it ought not to continue to be the law of the land. They examined many witnesses, and the result of all their inquiry was, that they came to that conclusion. Did his noble and learned Friend object to the conclusion to which they had come? When he (Lord Cottenham) had the honour of holding the Great Seal he found this Report, and found, also, that nothing had been done upon it. He concurred in the opinion of those learned persons, but he knew that he had great interests to contend with, and wishing to arm himself with all the authority he could before he introduced any measure into that House, in the year 1840 he advised the appointment of a Commission again on the subject; he did not confine that Commission to lawyers—they knew well how the matter worked; but there was another class of persons who were also well acquainted with the subject, and he therefore also appointed merchants and traders in the city of London, who were best able from their knowledge and experience to form an opinion as to how this law operated on their interests. The lawyers on that Commission were, the present Mr. Justice Erskine, Mr. Joshua Evans, Mr. Fonblanque, and Mr. Holroyd—two of the most distinguished Commissioners of the Bankruptcy Court now exercising their duties in London—and he thought when he mentioned the names of the merchants he had selected, it would be admitted that they were also well qualified for the performance of the duty which they had un-

dertaken; they were—Mr. Wynne Ellis, Mr. Benjamin Hawes, Mr. George Glynn, and Mr. Horseley Palmer, to whom he added Mr. Law, one of the Commissioners of the Insolvent Debtors Court. From this Report—as from the former—one individual dissented—not a merchant—Mr. Commissioner Law, who was one of the Commissioners of the Insolvent Debtors Court. He thought it was infinitely for the advantage of this inquiry, as it was for the previous one, that there was one dissentient. Both of the Gentlemen in each case—Mr. Stephen and Mr. Commissioner Law—made a long and elaborate Report, so that their Lordships and the public knew upon what ground it was they differed. All these authorities, with the exceptions he had named, gave it as their most unqualified opinion that imprisonment for debt ought to be abolished, and that it had been found to be totally inoperative. Accordingly, armed with this Report, in the Session of 1841 he had a Bill prepared, and as the Commission of 1840 had carried their inquiries into an improvement of the laws both of bankruptcy and insolvency, and had recommended that they should be united, his Bill was framed to carry into effect all their recommendations—the principal object of the Bill being to abolish imprisonment for debt, and give greater facilities to creditors for obtaining the property of their debtors. The events of 1841 prevented his carrying on this measure before their Lordships, but he stated, before he went out of office that he would renew the Bill in 1842; but in that year a Bill was brought in under the authority of his noble and learned Friend on the Woolsack which adopted half of his Bill of 1841, viz. all that part relating to the improvement of the Bankrupt Law; and the noble and learned Lord gave the reasons which he (Lord Cottenham) had just read why he had not adopted the whole of his Bill. The Bill which their Lordships read a second time on the 30th of April had for its object the carrying out of the recommendations contained in the Report of the Commissioners he had appointed in 1840. The noble and learned Lord on the Woolsack supported the Bill, as he had before stated; —and after what had taken place, would their Lordships rescind their former vote, and support the Bill now brought forward by his noble and learned Friend, framed upon exactly opposite antagonist principles? The noble and learned Lord's elaborate Bill was not then before the House, but he had gone into his (Lord Cottenham's) Bill for the purpose of showing how much better his (Lord Brougham's) Bill was than the Bill which he (Lord Cottenham) had proposed. The object of the noble and learned Lord's Bill was, to amend a former Bill; it certainly went a great way as a Bill to amend; but still it was founded on that former measure—which was simply this: it provided that any person, not a trader, and any trader owing debts under 300*l.*, might apply to the Court of Bankruptcy, and upon a representation of the state of his property and debts, he might get an *ad interim* protection, and if nothing was found to militate against his claim for protection, he was ultimately to have a final order of protection. Now, their Lordships would observe, that this assumed that imprisonment for debt was to continue. It only affected a certain class of persons, and it also possessed this fault—it provided for the protection of the debtor, but it totally omitted to provide any remedy for the creditor. When the debtor obtained his protection, his estate, became vested in an assignee, it applied only to the lowest description of persons who were traders, and, after they had obtained their protection, it was generally found that the value of their effects would not warrant any further proceedings with a view to distribute them amongst the creditors, and the consequence was, that nothing further was done. The creditor had no means of enforcing payment of his debt after protection was given. The noble and learned Lord had stated that hundreds and thousands of persons had taken the benefit of that Act, but in very few cases had the creditor received any benefit, because there was no machinery in the Bill for dividing the property among the creditors. That was a measure, in fact, in his opinion, to encourage fraud, and he believed that it had been a source of great evil throughout the country. There was a Bill on this subject in the other House of Parliament which had not been proceeded with in consequence of his (Lord Cottenham's) Bill. They might, when his Bill came before the other House, consider which they would adopt, but after a lapse of two months, he did not for a moment suppose that the Government would throw out a measure of which they had then approved. He could not believe it. After the second reading, on the 30th of April, he found great difficulty in getting his Bill into Committee, in which he did not succeed until the 23rd of

May. On the 6th of May, he found a Bill brought in by his noble and learned Friend (Lord Brougham), who had expressed no disapprobation of his (Lord Cottenham's) Bill, entituled "A Bill for Facilitating Arrangements between Debtors and Creditors." Of that Bill, however, they had heard no more. On the 13th of May, his noble and learned Friend brought forward his voluminous "Bill for Amending the Laws of Bankruptcy and Insolvency, and for Facilitating the Settlement of certain Matters of Account;" and this was the Bill which his noble and learned Friend had stated his intention not to proceed with at present. The Bill of his noble and learned Friend now under discussion was not introduced until the 21st of May; so that in the interval between the second reading of his (Lord Cottenham's) Bill and the Committee on his Bill, these three measures had been produced. Neither of these three Bills interfered with the Bill which their Lordships read a second time on the 30th of April, excepting the extensive Bill, which was not now brought forward, His noble and learned Friend said, that this Bill and his (Lord Cottenham's) were dissimilar—and so they were—in this: The Bill of his noble and learned Friend did not abolish imprisonment for debt except in certain cases, at the option of a judge; but his (Lord Cottenham's) object was to abolish it by destroying it altogether. His noble and learned Friend said, "Do not abolish imprisonment for debt, mitigate it, but maintain it for certain acts of dishonesty at the discretion of the individual judge." He, however, thought that was not right—it was not just—it was not consistent with the spirit of the English law. [Lord *Brougham:* It is consistent with the Insolvent Debtor's Act.] He said it was his object, and he had thought before that it was also the object of his noble and learned Friend, to get rid of the Insolvent Debtors' Act altogether. Let acts of dishonesty be tried by a jury, and if a party was convicted let him be punished; but to give to any individual the power of continuing imprisonment, abolishing it, or mitigating it at pleasure, and according to his own discretion or caprice—a power which would be administered by one man in one way, and by another in a different way—was contrary to the principles of British law. By the noble and learned Lord's Bill, any two execution creditors could set the law in motion, but any one creditor of 20*l.* could equally do it. Surely this required some further consideration. The machinery was very defective; and why was a debtor, who owed 300*l.*, to be subjected to imprisonment before he could procure his protection? Imprisonment appeared to him to be the great evil of the Insolvent Debtors' Act, and yet the Bill of his noble and learned Friend went to perpetuate the evil. It was futile to talk about "protection," because a person might be sent to prison—his business might be broken up, and his affairs become irremediably deranged before he could obtain the protection. If the debtor knew that the creditor were on the look out for him to place him in prison, he might apply for and obtain protection, but if the creditor was too quick for him, and come upon him suddenly, he might be taken to prison before he could apply for protection, and there was nothing in the Bill of his noble and learned Friend to prevent such a man from being arrested. He might indeed be released after arrest, but there was no provision against the arrest in the first place. Upon this ground he (Lord Cottenham) considered that the Bill before their Lordships was open to all the objections of the Insolvent Debtors' Bill. [Lord *Brougham*: He can be released next morning.] That might be; but still there was nothing to prevent the arrest. He trusted that their Lordships, having already allowed his own Bill to go through certain stages, would not now consent to a Bill which was based upon antagonistic principles. It might be available, if his own Bill failed in another place; and therefore he made no opposition to the progress of his noble and learned Friend's Bill—but he hoped that they would at least send his Bill to the other House.

Lord *Ashburton* said, that as he had for many years past paid considerable attention to the subject then under discussion, he trusted he might be excused if he ventured to say a few words in reference to it. He was not going to say anything with reference to reversing former expressions of opinion, but he must say that he thought it was too much the practice of their Lordships' House to postpone the discussion upon Bills from one stage to another, until at last the Bill seemed to come before them with some claims for approval before any discussion had been taken upon it. He would now state to their Lordships what appeared to him to be the two leading distinctions between the Bill of the noble Lord (Lord

Cottenham) and that of his noble and learned Friend (Lord Brougham) who had opened the debate. In the first place, there was a difference as to the distinction of Insolvency from Bankruptcy; and secondly, there was a difference with regard to imprisonment; not, however, as he understood it, very material with respect to the question of the propriety of imprisonment or non-imprisonment, but rather as to the manner in which imprisonment might possibly be applied. It seemed to be admitted on all hands that the principle of Imprisonment for Debt, regarded as a punishment for having incurred a debt, was not to be justified; for though in many cases the debtor might deserve imprisonment, yet its general application would involve the punishment of the innocent with the guilty, which was a practice wholly indefensible. It was also admitted that there was no other mode of obtaining from the debtor a fair and proper disclosure of his property but some kind of restraint upon the person; nor did the noble and learned Lord who spoke last recommend any other mode of coercion as necessary, in order to ensure a full disclosure of the debtor's effects; the measure of the noble and learned Lord being quite as stringent on the point of punishment as that of his noble and learned Friend (Lord Brougham). The principle of punishing a person for contracting a debt was in his opinion indefensible; but it had always struck him that the sensitiveness and apprehension of the public, lest the liberty of the subject should be infringed in the imprisonment of debtors for the purpose of forcing them to surrender the whole of their property, and of deterring others from recklessly incurring debts, was very much misplaced; and that much of the compassion lavished on the debtors more properly belonged to the unfortunate creditor. He entertained no doubt, that if an accurate inquiry into the matter could be made, it would be found that the great mass of debts had been incurred under some circumstances which would make it no very great hardship that the law should hold out something as it were *in terrorem* against parties recklessly incurring debts. If a person took the property of another having no right so to do, he was liable to punishment of a severe nature, but the man was in his (Lord Ashburton's) opinion no less guilty who took the property of another under a promise to pay, knowing at the time that he had no means of paying. He thought, therefore, that it was a false principle in legislation to be too sensitive upon this point. Now, the two plans of employing imprisonment were, as it appeared to him, the following:—His noble and learned Friend proposed that the Commissioner should have the power of determining whether the conduct of the debtor were satisfactory or not, and if he should decide that his conduct was unsatisfactory, then he had the power of remanding or of suspending the discharge of the debtor. If the means of obtaining a knowledge of the effects, and getting at a proper settlement, made the remedy of a restraint upon the personal liberty necessary, it was no more than was at once a wholesome and proper restraint. The noble and learned Lord (Lord Cottenham) said that many unfortunate persons now in prison for debt were anxiously looking forward to the day when the law should release them from their thraldom; while he (Lord Ashburton) believed that no person, who was ready to give a fair and honest account of his affairs, and to surrender the whole of his property need remain in prison an hour under the present Bill. As he said before, it was an acknowledged principle on all hands that imprisonment was not to be allowed for debt, but only as a wholesome restraint, and as a means of obtaining a knowledge of the property of the bankrupt, so that the creditor might not be fraudulently deprived of that which was his due. The noble and learned Lord did not propose to leave to the Court the conduct of the debtor as the case went on, but meant the debtor to be entirely free in his person.

Lord *Cottenham*: No, no.

Lord *Brougham*: Then, after all, you don't abolish Imprisonment for Debt.

Lord *Cottenham*: My Bill gives power to the creditor to summon the debtor before the Court, and to examine him as to what property he has, and if the Court think that he honestly discloses all his affairs, then he is not to be imprisoned; but if he refuse to answer, or if the Court be of opinion that he has property of which he has made no disclosure, then he is to be imprisoned.

Lord *Brougham*: But not for any extravagancies, mind. He may have spent 20,000*l.* upon extravagance—that doesn't signify.

Lord *Ashburton* continued.—It really appeared to him, then, after all, that the noble and learned Lord (Lord Cottenham) did not abolish Imprisonment for Debt. If

imprisonment, then, were to be held *in terrorem*, over the debtor, if he were to be remanded and kept in prison till his conduct was quite satisfactory, then he did not see much difference upon that point between one Bill and the other. He submitted that there might be many cases in which the evidence might be quite clear during the examination between the parties, yet might not be clear as it could be got up to send it for trial. A great deal of the evidence on which the Court would have power to send the debtor to another Court of Justice would be his own evidence, but then that evidence could not be used against him. The noble and learned Lord's provisions seemed to proceed from what was no doubt a very amiable motive—viz, a degree of solicitude with respect to the personal liberty of individuals; but which was not in his (Lord Ashburton's) opinion consistent with justice to the creditor. With regard to the separation of Insolvency from Bankruptcy, the noble and learned Lord seemed to treat them as identical, but he (Lord Ashburton) must say, that it appeared to him that for all purposes, whether moral or commercial, they were totally and essentially distinct. In the case of Bankruptcy, it might so happen that the debtor had got into difficulties from unforeseen misfortunes whilst engaged in a laudable desire to promote his own business pursuits; his debts were the honest and fair liabilities of the trader, whose very name imports speculation; who makes purchases or ventures in the way of honourable commerce. But the case of an ordinary insolvent was very different. In this case, the man was generally one who incurred debts in the purchase of things for his own consumption and enjoyment, perhaps without the means or even the intention of meeting those engagements. That man's moral liability was in his (Lord Ashburton's) opinion much greater, and totally distinct from that of a Bankrupt. Great distinctions always had been recognised between the two by the laws of the country, and he trusted that a distinction would still continue to be drawn between them. There could be no objection, that a person, not a trader, incurring debt, should be freed as to his person, but he could see no reason why, if he should again become prosperous, he should not then be answerable for his liabilities previously incurred. Not so, however, in the case of the trader, who, upon obtaining his certificate, was released from all previously contracted liabilities. He trusted that nothing might be done injurious to the system of credit, for credit there must always be; and it had hitherto been to the praise of this country that her credit was unimpeachable. That same system was extended from the greatest merchant down to the smallest trader, and any Bill which should be injurious to their interests could not fail of being detrimental to the interests of the country.

The *Lord Chancellor* said, as his noble and learned Friend had alluded to the course which he had taken and the observations he had made on the second reading of his (Lord Cottenham's) Bill, he felt called on to make a few observations on the present position of the question. Their Lordships were placed in a situation of very considerable difficulty. The one noble and learned Lord (Lord Brougham) had introduced a Bill for the Abolition of Imprisonment for Debt, and which he declared to be a very good Bill, and much better than that which the other noble and learned Lord had introduced. Again, the other noble and learned Lord (Lord Cottenham) had also introduced a Bill respecting Debtors and Creditors, which he said, possessed all the advantages of the Bill of the other noble and learned Lord, besides some improvements; and therefore, although the noble and learned Lord's was a very good Bill, he (Lord Cottenham) would recommend their Lordships to give the preference to his Bill. They were thus called upon to decide respecting the merits of those two measures. Now, how were their Lordships to decide between these two Bills? If they were able to say at once which of those measures ought to be preferred, he must give them credit for the possession of faculties much more acute than he conceived them to possess. The question submitted for their Lordships' decision was a question which every one must admit to be one of great importance, great nicety, and great difficulty; and it appeared to him, that considering the circumstances under which it came before them, the course to be pursued was, to refer the Bill to a Select Committee. If such a Committee recommended one of the Bills, then they might safely proceed to consider that, or on the recommendation of the Committee, they might adopt the other measure; or if the Committee so advised them, and that they found the two Bills reconcilable, they might amalgamate the two Bills by adopting all that was good in both. He thought

that by no other course could they come to a safe conclusion on these subjects. Then, with respect to what had been said about the course he had pursued on a former occasion, it was quite true, that he had approved of the principle of his noble and learned Friend's (Lord Cottenham's) Bill. The question was, what was the principle of that Bill? His noble and learned Friend had ingeniously converted into the principle of the Bill, what he had never considered to be its principle, while he had departed from that which he (the Lord Chancellor) had considered to be its principle, and to which every observation he had made was directed. But what was the principle he had contended for, and which he had omitted from the Bankruptcy Bill, solely because he did not wish to clog that measure? As he understood it, it was to assimilate the Law of Insolvency to that of Bankruptcy. All his observations were made with reference to that subject. He had then said, as he said still, that it was absurd to have one law for Insolvency and another for Bankruptcy; that it was absurd also that the one law should be administered by one set of judges, and the other by another set of judges; and further, that it was impolitic that when an individual had been discharged under the Insolvent Debtors Act, he should be considered liable for the payment of those debts for which he had been so discharged. He thought they should get rid of this incumbrance, and assimilate Insolvency to Bankruptcy. To those principles he still adhered, but he went no further. He would remind their Lordships also that he stated his other noble and learned Friend had a measure in contemplation on the same subject, and that he counselled their Lordships to wait until that measure was submitted to their consideration. He had, moreover, always intended, in the progress of the Bill, to call their Lordships' attention to the nature of the measure. Their Lordships were not, perhaps, in the habit of reading, in detail, the various clauses of the Law Bills which passed through their House; and he had, therefore, felt it his duty to call their attention to some of its provisions. There was one especially, though not at all essential to the principle of the Bill, to which he begged to call attention. It was, that if any individual had a judgment for debt entered against him, and had not the means of immediately satisfying it, whatever might be his rank or station in society, whether he were a Peer of Parliament, or a Prince of the Blood — in short every individual in this realm, except the Sovereign — he might be cited before one of the Commissioners of Bankruptcy in town or country to be interrogated, and have his answers taken down in writing, and if they were not perfectly satisfactory the Commissioners might immediately commit him to prison, there to remain, without bail, until he had given answers to the entire satisfaction of the Commissioners before whom he was called for the purpose of examination. Now he did not say that this would not be right, but it was a great innovation, introduced for the first time by the Bill of his noble and learned Friend; and, as he had stated, no one would be exempt from it. It might be said that the exalted personages he had referred to were not likely to be placed in such a situation, but he had lived long enough in the world to know that, in point of fact, such things might have happened. He had in the course of his professional career known many persons of the highest rank, who might have been placed in this unfortunate situation. He did not say it was wrong to frame a Bill in the manner in which the present measure had been drawn up; it might be perfectly right to establish all that equality which it would be the effect of this Bill to create; but the question was one of a very grave and important nature; and he said, before they adopted it, they ought to consider, inquire, and examine whether it were necessary, to what extent they would go, or what limitation could be made, if it could be made with propriety. It was the same with respect to insolvency. Every person, whatever might be his rank or station, might be summoned before a Commissioner. All that would be required was the question, "Do you own this debt?" "Yes." "Now, why don't you pay it?" and if the answer were not satisfactory, perhaps fifteen days would be given to pay it in, after which all the debtor's property would be liable to be seized and vested in an official assignee, for distribution among his creditors. Now, this he repeated, might be right, but it was a great and extensive alteration, and they ought, therefore to proceed cautiously and see whether it was proper and necessary. All he would suggest, therefore, was, that as they had two measures presented for consideration by two of the highest legal authorities in the House, they should refer them to a Select Committee for the purpose he had mentioned. With respect to

the present measure, it was stated that he had said imprisonment for debt ought to be abolished without reserve; but he had never considered that the principle of the Bill, and had never said a word about it. He did not say that imprisonment for debt ought not to be abolished, but it certainly deserved the most serious and attentive consideration, before they decided on abolishing it without reserve or qualification. This very question had been before referred to a Committee above-stairs. His noble and learned Friend was at that time on the Woolsack, and his object was to abolish imprisonment for debt. But what was the decision of the Committee? Why, that it was wise and expedient to abolish arrest for debt in mesne process, but that it was not wise to abolish imprisonment in execution. That was the deliberate opinion given by a Committee of this House on the Bill of his noble and learned Friend. True it was, that subsequent experience might possibly have thrown more light upon the subject, but when once already decided by a Committee of their Lordships' House, he (the Lord Chancellor) thought it became a matter that deserved full, serious, and anxious consideration. There were various classes of persons in this country, against whom, if imprisonment for debt were abolished in the manner in which it was now proposed, there would be no remedy whatever. Let their Lordships suppose an individual who went fashionably attired, who was in the receipt of an allowance from his father, and lived in furnished lodgings, incurring debts to a very large amount. Now, if this Bill were to pass, what remedy would there be against him? Creditors could not seize his goods, for goods he had none. He could not be arrested, because imprisonment for debt was entirely abolished. But it might be said, "What was the use of imprisoning a person who had no property?" The answer he would give was, that it was not to make that individual pay his debts; but it was the fear of that imprisonment which operated to restrain such persons from involving themselves in debts that they themselves knew they had no means of discharging. It operated *in terrorem*, and in that respect was a very useful check. But was there not also a question of great importance depending upon this subject which rendered it still more material to institute inquiry? If they abolished imprisonment for debt in ordinary cases, they must abolish it in all cases. If they were to do so in cases of 100*l.* and 150*l.* with what show of justice or consistency could they retain it in cases of 10*s.* or 15*s.*? Then what was the course which would be pursued? Would they sweep away all the Small Debts Courts; not that many persons were sent to prison under the authority of those Courts, but that the fact of their possessing such authority produced caution and exertion amongst the class of debtors. If they abolished imprisonment for debt in larger cases, they could not retain it in smaller. If they abolished it in the Small Debts Courts and the Courts of Requests, these Courts, it was said, would no longer be able to exercise jurisdiction; and if there were no remedy for the recovery of debts—no means of enforcing payment, how, he asked, was the poor man, who happened to be thrown out of work by sickness or other cause—how was he to maintain his family? How was he to procure credit in such circumstances, when there would be no mode of compelling payment? He (the Lord Chancellor) therefore advised their Lordships to be cautious in their proceedings, and to inquire into and consider the subject well, before they legislated on the subject, or before they preferred one of these Bills to the other. He did not say what the result of an inquiry was likely to be. Possibly it might be in conformity with the opinion of his noble and learned Friend (Lord Brougham), or with that of his other noble and learned Friend (Lord Cottenham). But at least inquire into a matter of such great importance before proceeding to legislate. His noble and learned Friend saw the difficulty to which the attention of their Lordships had just been called, and in order to guard against it introduced a clause, whereby an employer might be called upon to retain the wages of an operative in his service, and if he did not owe the wages at the time, to be held responsible for the debt when the wages became due. Their Lordships could not fail to see how that must operate; for no one would think of retaining a servant who involved him in such confusion and complexity as must necessarily arise from having to pay fractions of his wages to he knew not how many creditors, the more especially as it would affect not only such wages as might be due to the servant, but those which he might afterwards earn. This was copied from the law of Scotland, or perhaps it was not exactly copied, for it went much beyond that law, the Scottish law applying only to existing wages, and

not anticipating future wages, which his noble and learned Friend's provision did. It was rather extraordinary that a very few years ago a Commission of lawyers, merchants, and others were appointed in Scotland for the purpose of considering the question of arrest of wages, and the decision of that Commission was, that it was a principle that could not be enforced; that it was a very mischievous one, and they therefore advised its utter abolition. Yet such was the measure his noble and learned Friend introduced to get rid of the difficulty in the case of debts contracted by working men. Unless their Lordships, after the discussion of to-night, were in a condition to pronounce between the respective measures of his two noble and learned Friends, the only wise and proper course that could be pursued, considering the difficulty and the delicacy of the question —the only wise, sober, and discreet course was to recommend the whole subject to the consideration of a Committee above-stairs, by which means they would have an opportunity of considering the subject in detail and deciding on its merits. If, on the contrary, their Lordships thought they were in a condition to decide at once on the merits of the two Bills, and were of opinion that the Bill of either of his noble and learned Friends ought to pass into a law, he should subscribe to their opinion; but if they thought that the measure was deserving of further consideration they would adopt his recommendation and refer it to a Select Committee.

Lord *Brougham*, for his part, readily acceded to his noble and learned Friend's proposal, that the Bill should be referred to a Select Committee. He would, however, set his noble and learned Friend (Lord Cottenham) right in one or two particulars. He had said that he considered that bankruptcy should be equivalent to insolvency. His noble and learned Friend (the Lord Chancellor) approved of that, and said that noble Lords, the Earl of A—, or Duke of B—, would be dealt with the same as traders. If the noble and learned Lord said, that a distinction ought to be made between them, he was not prepared to pronounce any opinion upon that point; he had not made up his mind. Let them, however, take one step at a time. If they determined to abolish imprisonment for debt, let it be done gradually. If his Bill passed, there was not a single insolvent who might not obtain his certificate.

Lord *Campbell* had heard the speech of his noble and learned Friend on the Woolsack with very deep regret and disappointment. The inference to be drawn from it was that nothing could be done during the present Session for the mitigation of imprisonment for debt. They had now reached the third reading of the Bill of his noble and learned Friend (Lord Cottenham), and it was only at that stage at the end of June, that his noble and learned Friend discovered its defects, and made as excellent a speech against it as he made in its favour when it was read a second time on the 30th of April. On the second reading, his noble and learned Friend (the Lord Chancellor) pledged himself to give the measure his support throughout its details. The se-second reading was carried *nemine contradicente*—their Lordships were quite unanimous, and there was not a word about qualification, or censure, or suspicion that the Bill was exceptionable in any part. Then it went into Committee, which was the proper time for his noble and learned Friend to bring forward any amendments to clauses of which he disapproved. But the Bill passed through Committee also, and the Report was brought up and agreed to, and yet no objection was raised. Now, however, on the third reading, the Bill was to be rejected, because the referring it to a Select Committee at this period of the Session was a pretence that did not deserve the least weight. Why, the subject was referred to a Commission in 1830, and again to another Commission in 1835, which Commission sat days, weeks, months, and years. He (Lord Campbell) was altogether at a loss to discover the reasons of his noble and learned Friend for taking such a course. Was it that he was afraid to give offence to his other noble and learned Friend (Lord Brougham), and interrupt that harmony which had hitherto prevailed between them; his noble and learned Friend (Lord Brougham) having previously introduced a Bill on the same subject. Why should the noble and learned Lord have altered his views now? In his (Lord Campbell's) opinion, his noble and learned Friend's conduct would not reflect much credit on Her Majesty's Government, or give much satisfaction to the public. The Bill was agreed to on its second reading, not by a majority of twenty, but with unanimity, and yet their Lordships were

now called upon to reject it. For this change in his noble and learned Friend's conduct, he was totally at a loss to conceive any reason. The security of Her Majesty's present Government did not depend upon the measure—there was no threat of a resignation if it were carried. The Exchequer would not suffer by its enactment. Where then was the reason? That might be a reason why, in another place, a particular vote which had been come to should be reversed, but now, at this stage of the Bill, to call upon their Lordships to reject that which they had before unanimously approved of two months ago, seemed to him a wanton insult to this House.

The Duke of *Wellington*: Their Lordships were not called upon to reject the Bill of the noble and learned Lord. The fact was, that there were two Bills before their Lordships, and what his noble and learned Friend on the Woolsack recommended was that both the measures should be referred to a Committee. The Bill of his noble and learned Friend being approved of in a great measure by the noble and learned Lord opposite, all they were now called on to do was to refer the two Bills to a Committee, which should adopt the course which might seem most expedient. That was the simple proposition, and he begged their Lordships to recollect that it was not that either measure be rejected.

Lord *Cottenham* replied. The noble Duke said this was not a proposition for the rejection of the Bill. It certainly was not in point of form, but it was in substance. His noble and learned Friend (Lord Brougham) had proposed a reference to a Committee up stairs.

The *Lord Chancellor* wished to correct the mistake into which the noble and learned Lord had fallen. He (the Lord Chancellor) it was who moved that the Bills be referred to a Select Committee, in order that their relative merits might be better decided on.

Lord *Cottenham* said, in that case his noble and learned Friend on the Woolsack had shown more candour than he had given him credit for. This measure was of two years standing, and his noble and learned Friend had had ample knowledge of the measure. In 1842 he not only had knowledge, but expressed his approbation, of the Bill; in 1843 the same thing occurred,—not a word of disapprobation fell from his noble and learned Friend. In the present Session, and in the first two or three days of it, he (Lord Cottenham) had again produced the measure, stating that it was the same measure as before, and he had fixed the second reading at such a time (viz. the first day after the Easter recess) as would give noble Lords an ample opportunity for making themselves acquainted with the details of the Bill. His noble and learned Friend knew of both of the measures in ample time, and had expressed no disapprobation; yet now he told the House that he never meant to express approbation of the details of his (Lord Cottenham's) measure. On the second reading, the noble and learned Lord, as appeared by the Report, which he (Lord Cottenham) could testify was accurate in other respects, and which he believed the noble and learned Lord would not contradict, stated that "he fully approved of the objects and of the provisions of the Bill." What could be the reason of the change, he would not say in his noble and learned Friend's opinion, but in his decision? He had reason to think that it was but within a few days that his noble and learned Friend had come to that decision. It had once been said, that there was a power behind the Throne stronger than the Throne itself; perhaps in this case there was room to say that there was a power behind the Woolsack stronger than the Woolsack itself. What could it be? He could say, but he would not. Did the noble and learned Lord think that the credit of Her Majesty's Government would be impaired by passing this measure? Would the public think that justice had been done? As to inquiry, there was nothing to inquire into. The two measures were quite incompatible; one proceeded on the principle of maintaining imprisonment for debt, the other on the principle of abolishing imprisonment for debt. What was the Select Committee to inquire into, when they had already volumes of reports on the subject to such an amount that no Select Committee could go through them in a year? They had the fullest evidence of lawyers, and bankers, and others taken before the Commission in 1833; they had a voluminous inquiry again in 1840; so that, in fact, nothing remained to inquire into. He utterly repudiated the distinction between referring the Bill to a Select Committee and reject-

ing it. To have rejected it at once would have been the more manly course.

The *Lord Chancellor* was understood to say, that his noble and learned Friend (Lord Cottenham) had complained that no intimation had been given to him of the course he (the Lord Chancellor) intended to pursue with regard to this measure. He had, however, communicated to his noble and learned Friend some days since that he intended to oppose the Bill.

The Earl of *Winchilsea* said, that the Bill of the noble and learned Lord (Lord Brougham), who had quitted the House, proposed to abolish imprisonment for debt to as great an extent as he was prepared to go. He did not think it advisable to abolish entirely, and in all cases, imprisonment for debt.

The *Lord Chancellor* would state the origin and history of this Bill. A Commission was appointed to inquire into the law relating to Bankruptcy and Insolvency; that Commission reported in favour of the principle of *cessio bonorum* as a substitute for the present system of insolvency; and when he stated that he intended to adopt that principle as a part of his Bankruptcy Bill, he meant it as being adopted on the recommendation of the Commissioners. The Bill was drawn by one of the Commissioners themselves, and the Report was intended to be embodied in that Bill. And when so adopting that principle of *cessio bonorum*, he meant to confine himself to that alone—he never intended the total abolition of imprisonment for debt. It never crossed his imagination at that time. His noble and learned Friend (Lord Cottenham) complained that this was an endeavour to defeat the Bill which he himself had brought in, called the Debtor and Creditor Bill. Now, the fact was, that he (the Lord Chancellor) communicated to his noble and learned Friend some days since that it was his intention to oppose his Bill.

The Earl of *Winchilsea* considered the course which the noble and learned Lord on the Woolsack proposed to take to be a most proper one. He certainly did not object to the principle of *cessio bonorum*, but he was entirely opposed to a total abolition of imprisonment for debt.

The *Lord Chancellor*, in accordance with his views, moved as an Amendment, that the Order for receiving the Report of the Amendment be discharged, and that the Bill be referred to a Select Committee.

Amendment agreed to; Order discharged; Bill referred to a Select Committee.

CREDITORS AND DEBTORS BILL.] Lord *Cottenham* said, he should now move that this Bill be read a third time.

The *Lord Chancellor* moved, by way of Amendment that the Order for the third reading be discharged, and that the Bill be referred to a Select Committee.

Lord *Denman* had hoped that, during the present Session, Imprisonment for Debt would have been totally abolished. When the present Bill was introduced, the principle of it was adopted by their Lordships; but then his noble and learned Friend (Lord Brougham) had since introduced another Bill on the Law of Insolvency, stating that it would produce the same result but in a different manner. He (Lord Denman) regretted that that Bill had not been presented at an earlier period, when they might both have been referred to a Committee, and their Lordships might then have been able to have arrived at some reasonable conclusion during the present Session. He (Lord Denman) confessed he feared that the very principle of the abolition of imprisonment for debt was now placed in great jeopardy. Even the delay that would take place would in itself be a great evil, and that that principle should be jeopardized was what their Lordships could not consent to without extreme danger, and was a course greatly to be deprecated. If it was not the intention of his noble and learned Friend (the Lord Chancellor) to abolish imprisonment for debt, then he (Lord Denman) would press it upon the noble Duke, personally, and with the greatest energy, that he, as a Minister of this country, should lend all the weight of his high character and station to bring this matter to a real and decisive issue; in order that they might not go on from month to month, and from year to year, playing with the feelings of a great body of persons in this country, who were entitled to their Lordships commiseration, and also leaving in doubt what the actual law of the country was to be. He would entreat that the noble Duke should put an end to this suspense, and that the Government would be pleased to take proceedings to have the principle again as-

serted by the same unanimous vote by which it had already been adopted, or that at least some other system should be manfully avowed, in order that the people whom it concerned might know what was the law of the country.

The *Lord Chancellor* said, that if his noble and learned Friend (Lord Cottenham) would accede to the course which he (the Lord Chancellor) had suggested, he would propose that the Select Committee be appointed on Monday and they should meet *de die in diem* till they made their report. He conceived that a Report could be made in a few days, so that there would really be no loss of time by the appointment of the Committee.

The Duke of *Wellington* said, as the noble and learned Lord had particularly addressed himself to him, he must say that he understood from his noble and learned Friend (the Lord Chancellor) that the intention of the Amendment was not to reject the third reading of the Bill, but was to inquire with respect to the two measures under the consideration of the House which was the preferable measure, and whether one measure could not be framed founded on these two Bills which would meet with general approbation. He (the Duke of Wellington) was sure that it was not the intention of his noble and learned Friend, nor of any noble Lord, to reject the principle which had been adopted.

Lord *Cottenham* was strongly opposed to the delay which the appointment of a Committee would occasion; yet having the object so much at heart, he would follow the measure to any tribunal in order to do his best endeavours to afford some relief to those unfortunate persons who were so deeply interested in this matter.

Lord *Campbell* was willing to give full credit to the sincerity of the noble Duke, when he declared that there was no intention to reject the principle of this Bill; but it would be in vain to attach the smallest consequence to that declaration because, arrived as they were to the 21st of June, what was now proposed could not in the slightest degree, in the present Session, be effected. His noble and learned Friend (Lord Brougham) had complained of the impossibility of getting noble Lords to attend Select Committees for purposes in which they had no immediate interests, and yet, with an inconsistency which excited his (Lord Campbell's) wonder, his noble and learned Friend at this late period of the Session, had proposed to refer to a Select Committee two Bills in which it was not possible for any of their Lordships to have any personal interest whatever. He (Lord Campbell) rejoiced that his noble and learned Friend (Lord Cottenham) was opposed to the Amendment, and if his noble and learned Friend should be defeated on a division, his (Lord Campbell's) advice to him would be to wash his hands of the measure altogether. Whatever the noble Duke's opinion might be as to the intention of this Amendment, still he (Lord Campbell) thought the better course would have been, instead of proposing the appointment of a Committee, to have moved that this Bill should be read a third time this day six months.

Lord *Kenyon* stated, that the delay in the proceedings of the Committee appointed to consider the Bill relating to the Judicial Committee of the Privy Council was caused by the difficult nature of the subjects it was their duty to investigate.

Lord *Cottenham* begged it to be distinctly understood that when he said he should follow this subject to any place where he thought there was the least chance of doing good to those whose interests he wished to serve, still he did not mean to encourage the least hope that anything would be done this Session; but that he considered that the Amendment, if carried, would be conclusive against the Bill this Session. He could only say to those who had been most cruelly and unjustly treated by the existing system of the law of Debtor and Creditor that he had done his best endeavours to forward the object they so anxiously desired.

The Earl of *Minto* wished to explain the grounds of the vote he should give on this occasion. If the object of the Amendment was to gain information necessary to enable their Lordships, or more properly speaking, to enable the noble and learned leaders of their Lordships' House to form their opinions upon the subject, he should certainly, even at the hazard of some risk of the success of the Bill, be disposed to acquiesce in the appointment of a Committee, but he could look at that proposal as nothing but an indirect mode of deferring the Bill altogether. Looking at this Bill as a measure to make a great change in the law, it must have engaged the attention of the noble and learned Lord on the Woolsack, and he could not but express

his surprise at that noble and learned Lord having sat in their Lordships' House during the previous discussions of this Bill, he should not now be able to say 'aye,' or 'no,' about the passing of it, without going up to a Committee to settle his opinion. If he (the Earl of Minto) did not think that the opinion of the noble and learned Lord was lready thoroughly formed, and that their Lordships' opinions would be ultimately decided by the opinions of the noble and learned Lord, he should be disposed to go into Committee, but viewing the matter as he had already stated, he should certainly vote for the third reading of the Bill.

The question was then put, and their Lordships divided. For the third reading:—Contents 4; Not-Contents 28: Majority against the third reading 24.

The Bill was then referred to a Select Committee, and the same noble Lords were named of the Committee that were named of the Committee on the Insolvent Debtors Act Amendment Bill.

House adjourned.

HOUSE OF COMMONS,

Friday, June 21, 1844.

MINUTES.] BILLS. *Public.*—1°. Protection of Purchasers, etc. (Ireland); Juvenile Offenders.
Reported.—Customs Duties (Isle of Man).
3°. and passed:—County Rates, etc.; County Coroners.
Private.— 3°. and passed:—Campbell's Estate; London and South Western Railway (No. 1); Marquess of Ailsa's Estate.

KIDDERMINSTER AND BIRMINGHAM PRISONS.] Mr. *W. O. Stanley*, seeing the Secretary of State for the Home Department in his place, hoped he would allow him to ask a question which he had put to him at an early period of the Session, as his question related to so great a public grievance. He alluded to the state of the Prisons attached to the Court of Requests at Kidderminster and Birmingham. When he had previously questioned the right hon. Gentleman upon the subject the right hon.Barotnet had promised to do all that lay in his power, and stated that he was in correspondence with the Magistrates to remedy the abuses complained of. He had the fullest confidence in the sincerity of the right hon. Baronet to do as he had stated, but the attention of the public had been directed to the subject, and it would be satisfactory to have an assurance upon the subject. He would state the condition of the prison at Kidderminster. That statement he had received from a person of whom he had no knowledge, but he believed it to be correct. The prison, or rather dungeon, attached to the Court of Requests there was a small building so constructed that very little sun could reach it or the inmates. The dimensions of the yard were about twelve feet square, the wall about sixteen or eighteen feet high. There was a small room level with the yard, which was both the day-room and the bed-room. The prisoners were not allowed blankets nor fire, and this prohibition extended through the winter season. All they had beyond their own clothing was an old coat; nor were they allowed to have any food beyond their regular allowance (except a little tea), which was a half-quartern loaf for two days, and water. Their bed was loose straw, and they were locked from six o'clock in the evening until eight or nine next morning. There was no resident keeper. The beadle of the court in whose custody they were, lived at a distance, nor had they the least means of calling for assistance should sudden illness overtake them. This evil had existed as long as the Act, which had now been in operation for sixty-six years. The questions which he wished to put to the right hon. Baronet were—first, if Lord Cottenham's Bill would abolish these Courts of Requests, and the prisons, or rather dens, which were attached to them, and which were a discredit to the country? Secondly, if any inquiry had taken place at Kidderminster? Lastly, if the correspondence respecting the Birmingham Court of Requests' prisons was concluded to the satisfaction of the Home Secretary?

Sir *J. Graham* said, that as to the prison attached to the Court of Requests at Kidderminster, the information of the hon. Member rested upon the statement of an individual who was unknown to him. In consequence of a communication which he had received he had sent an inspector to Kidderminster to report. This step had been taken at a recent period, and he had not yet received the Report, although it was about to be made. As to the prison attached to the Court of Requests at Birmingham, he had informed the House of the Report made by the inspector whom he had sent down there upon the imperfections of the system prevailing in that prison, and that he had called upon the

authorities to rectify them. He had not, however, since received any satisfactory report that any person had been appointed by the authorities to remove the abuses complained of. It would therefore be his duty to apply to the Court of Queen's Bench to enforce the alterations required. The House would be aware that the Secretary of State for the Home Department had no power in himself to act. As to the state of the law upon the subject, the County Courts Bill then before them would remove many of the imperfections complained of; and in the other House there was a Bill in an advanced state for regulating similar matters. It would soon come down to that House, and it would be for hon. Members to consider the principle, and the efficacy of its provisions for removing these abuses in Prisons.

DEMERARA LOAN — IMMIGRATION.] Mr. *Hawes*, as he saw the noble Lord, the Secretary for the Colonies, in his place, wished to ask him if he had any copies of the Ordinance passed by the Court in Demerara, authorising a loan of 500,000*l.*, to be secured by the duties on all imports into the Colony, and applied to the purposes of immigration? He also wished to know whether another Ordinance extended the security to the Civil List for seven years, contingent on the refusal of Her Majesty's sanction to the first? He wished likewise to know whether there were any copies of a Decree passed by that Colony removing the restrictions on female immigration? He knew of no objection existing either then or thereafter to laying copies of such despatches upon the Table, and the doing so would be satisfactory to the parties interested, on whose behalf he had put the question.

Lord *Stanley* said, that there had been received by the last mail an Ordinance of the Legislature in Demerara authorising certain persons, upon the granting of Her Majesty's Assent thereto, to raise a loan of the amount which the hon. Member had mentioned in this country. This had been brought to him, and inquiries had been made as to the intention of Government. He then said that he could not then approve of the Ordinance, on the ground that it had been passed in great haste, only one day having elapsed in discussing and passing it. As it had been represented to him that the Colony had not had any opportunity of expressing its opinion on the subject, he would postpone taking any step until he had obtained further information upon the state of feeling in the Colony with regard to the scheme. All this did not interfere with immigration for the present year. As to the question of immigration in Demerara it was found that the proportion of females required for that purpose was so great, and their number in the Colony was so small, that it was necessary for the State to interfere. All the papers relating to immigration to the West Indies had been already laid before the House with the exception of one despatch, and that he had no objection to produce. As to emigration from the East Indies a correspondence had been going on with the Governor General upon the subject, and he could state that a measure was under the consideration of Government, requiring that a certain number of women should accompany every batch of emigrants from India. The question had not yet, however, been decided, because great difficulty existed in prevailing on respectable women to accompany their husbands as emigrants; and if it were required that a certain number of women should accompany each batch of emigrants, the class of women who would so accompany them would not be likely to conduce to the cause of respectability or morality. With regard to the Ordinance for the Civil List, it depended on the other Ordinance, but the Civil List related to the year 1847; so that there was ample time to take it into consideration.

ABINGDON ELECTION — SCRAMBLE MONEY.] Mr. *Christie* would take that opportunity of putting a question to the hon. and learned Gentleman the Solicitor General, which the hon. and learned Gentleman was quite competent to answer if he pleased. He (Mr. Christie) observed by the Votes that the hon. and learned Gentleman had—no doubt as the organ of Government—last night obtained leave to bring in a Bill for the Disfranchisement of Sudbury. The question which he was about to put, and of which he had given the hon. and learned Gentleman due notice, arose out of the proceedings at the late election for Abingdon. The question was this—whether it were or were not true, that on the close of that election, the hon. and learned Member, while seated in his triumphal chair, and borne about in

grand procession, had distributed the sum of 50*l.*, by scattering it amongst the crowd from a bag of silver which he held in his hand. He did not make this statement on his own authority, but on that of a communication made to him. In that account it was said, that at twelve o'clock the chairing procession moved off from the Crown and Thistle Inn, preceded by a brass band, consisting of some twenty old men. Then followed many of the hon. and learned Gentleman's supporters, after whom the hon. and learned Gentleman himself was borne in his triumphal chair. The account sent to him went on to say, that an election was always a very important matter at Abingdon, but the chairing was the most important thing of all for on that occasion it was customary for the successful candidate to scatter what was called "scramble money" from a bag of silver which he had in front of him. The amount of scramble money thus distributed varied according to the feelings of the Member. In Mr. Maberly's time, the amount of scramble silver was said to be at least 150*l.* Mr. Duffield used to scatter about half that amount, but in the case of the hon. and learned Solicitor General, the scramble silver did not, it was said, exceed 50*l.* It was curious to see men and boys, nay, even old women and children, holding out their aprons and caps. while the Solicitor General like an elegant Gentleman as he was, was scattering the silver among them, and for which they were pushing, jostling, scrambling. and fighting, in much admired confusion. He was not answerable for the eloquence of this description, he gave the account as he got it. He did not mean to say that this practice was against the law as it now stood, but certainly it was not calculated to exalt the character of any hon. Member who made himself a party to it. He hoped he should be excused for having put the question, which he had put, not from any personal feeling but with the view of promoting the principle of purity of Parliamentary election.

The *Solicitor General* said, that a very inconvenient, and, as it appeared to him, a very irregular practice had been introduced into that House, of putting questions to Members, not in relation to any business before the House, or to any Bills with which Members were charged, but with regard to matters wholly foreign to such topics, and relating to occurrences in a very different place, and which had no connection with the business before the House, however they might excite the curiosity of hon. Members. The hon. Member had, so long ago as yesterday week, given him notice of his intention to ask this question, but circumstances had prevented him from attending on the evening to which the notice referred: but he had hoped that the opportunity of reflection afforded the hon. and learned Member in the interval would have induced him to give consideration to the extreme impropriety of putting a question of this description. He certainly should not by his practice on this occasion, give his countenance to such a course, and he should, therefore, beg leave most decidedly though without the least want of respect for the hon. and learned Gentleman to decline answering that question.

Mr. *Christie* said, that of course the hon. and learned Gentleman would do as he pleased with respect to the question. He had said, on putting it, that the hon. and learned Gentleman was quite competent to answer it or not as he liked; but as the hon. and learned Gentleman was a Member of the Government, and as in that character he was one of those who obtained leave to bring in a Bill for disfranchising the borough of Sudbury, he did hope he should stand excused for having put his question, relating, as he conceived it did, to a matter connected with purity of Parliamentary election.

Subject at an end.

SUGAR DUTIES.] Report on the Sugar Duties Bill brought up and read.

On the question that the Amendments be read a second time,

Mr. *Ewart* said, that his hon. Friend (Mr. Hume) being unavoidably absent, had requested him to embody the Motion of which his hon. Friend had given notice. He objected to the Bill as it now stood, because it was uncertain in its application, and because the merchants would not know how to act under it. He also objected to it because it left Government the power to say, from time to time, what sugar should be admitted and what should not. This was a power which might be abused; but, at all events, it was most objectionable in this—that it was a transfer of the legislative power of that House to the President of the Board of Trade. It was said that the present measure had

for its main object the putting down of the Slave Trade. They had already attempted that by means of treaties and steamers and gun-boats; but they had failed. By our former measures on this subject we had interfered with the external relation of Foreign States. By the present Bill we were about to interfere in their internal affairs. But in this we should also fail, for the Bill was based on erroneous principles. He would call on the House to adopt one of two alternatives—either to define more clearly what were the terms on which free-labour sugars were to be admitted, or at once to admit foreign slave-labour sugars. This was not a question of party, but of principle, and he hoped the House would so consider it. The present measure did not set the door of importation fully open; but rather left it ajar, and so did not do justice to either party. He concluded by moving to leave out from the words

"That the, to the end of the question, in order to add the words, "distinction sought to be established between free-labour and slave-labour sugar not being supported by any adequate definition in the Bill, and such absence of definition (while it devolves an unusual and objectionable amount of discretionary power on the Government) leaving the British and foreign merchant in a state of uncertainty as to the import of sugar, it is expedient, either clearly to define the limits within which the merchant is to act, or to admit free-labour and slave-labour sugar at the same rate of duty."

Mr. *James* said, that the Motion now before the House was neither more nor less than one which had been brought forward on a former occasion, and against which the hon. Member for Montrose had both voted and spoke. If anything at his time of life could astonish him, it would be the fact of the hon. Member for Montrose putting such a Notice as the present on the books of the House. It would seem as if the hon. Member had been down to Epsom among the jockies, and, tutored by them, had endeavoured to run an aged horse and a feather against a three-year old and twelve stone. But it would not do. The House would not be taken in by the attempt. He should like to know from Her Majesty's Government whether they intended to give up the emancipation scheme or not? If they intended to act on it, and carry it fully out, it must be by extensive immigration of free-labour in our West-India Colonies. It was said that we might bring in free-labour to a large amount from India. Upon this point it had struck him as a question for consideration, whether regiments of Sepoys might not be induced to do duty in our West-India Colonies, and after a few years obtain small portions of land, which they might be willing to cultivate by a bounty of a small pension, and that after a little time their officers might be induced to assist in this plan by similar encouragement. At all events, it would enable them to supersede the black regiments, and thus increase, to a certain extent, the number of labourers in the Colonies. He would also put it to the Home Secretary whether convict-labour might not advantageously be employed in the West Indies? In many parts of Jamaica and the other islands they might be employed without serious injury to their health, and thus be enabled to earn a great portion of their subsistence, while the punishment inflicted would be greater. On the whole, he could not support this Motion, because he thought it unjust.

Mr. *D. Barclay* gave the Government credit for their desire to carry out the great plan of the abolition of slavery. He hoped when they introduced their measure next Session they would bring it forward at an early period, and would effect a permanent settlement of the question, for until it was settled trade would be embarrassed, the revenue would be impaired, and all persons connected with the Colonies would suffer injury. He could not support the Amendment of his hon. Friend.

The House divided on the question that the words proposed to be left out, stand part of the question:—Ayes 183; Noes 65: Majority 118.

List of the AYES.

Ackers, J.	Barrington, Visct.
A'Court, Capt.	Baskerville, T. B. M.
Acton, Col.	Bateson, T.
Adderley, C. B.	Beckett, W.
Allix, J. P.	Beresford, Major
Antrobus, E.	Blandford, Marq. of
Arbuthnott, hon. H.	Borthwick, P.
Arkwright, G.	Botfield, B.
Astell, W.	Bowles, Admiral
Bailey, J.	Brooke, Sir A. B.
Baillie, Col.	Brownrigg, J. S.
Baird, W.	Bruce, Lord E.
Bankes, G.	Bruges, W. H. L.
Barclay, D.	Buck, L. W.
Baring, T.	Buckley, E.
Barneby, J.	Bunbury, T.

Burrell, Sir C. M.
Campbell, Sir H.
Campbell, J. H.
Chapman, A.
Chelsea, Visct.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Codrington, Sir W.
Colquhoun, J. C.
Cresswell, B.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dodd, G.
Douglas, Sir H
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marq. of
Dowdeswell, W.
Drummond, H. H.
Dugdale, W S.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eastnor, Visct.
Egerton, Sir P.
Eliot, Loid
Entwistle, W.
Estcott, B.
Eastcourt, T. G. B.
Feilden, W.
Ferrand, W. B.
Forman, T. S.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goulburt, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grogan, E.
Halford, Sir H.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, J.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Hervey, Lord A.
Hodson, F.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Hughes, W. B.
Hussey, A.
Hussey, T.
Irton, S.
James, W.
Jermyn, Earl
Jones, Capt.
Ker, D. S.
Knight, F. W.
Lefroy, A.
Legh, G. C.
Lennox, Lord A.
Lincoln, Earl of
Lindsay, H. H.
Long, W.
Lopez, Sir R.
Lyall, G.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
Mackinnon, W. A.
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
Meynell, Capt.
Mildmay, H. St. J.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Neville, R.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Palmer, R.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Powell, Col.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Russell, C.
Russell, J. D. W.
Shaw, rt. hon. F.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Sturt, H. C.
Sutton, hon. H. M.
Tennant, J. E.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Tollemache. hon. F.J.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Turner, E.
Verner, Col.
Vernon, G. H.
Vesey, hon. T.
Walsh, Sir J. B.
Whitmore, T. C.
Wodehouse, E.
Wood, Col.
Wynn, rt.hn. C.W.W.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

List of the NOES.

Archbold, R.
Armstrong, Sir A.
Baring, rt. hon. F. T.
Barnard, E. G.
Bouverie, hon. E.
Bowes, J.
Brotherton, J.
Buller, E.
Busfeild, W.
Byng, rt. hon. G. S.
Colebrooke, Sir T. E.
Collett, J.
Curteis, H. B.
Dalrymple, Capt.
Dashwood, G. H.
Dennison, W. J.
Dennistoun, J.
Duncan, G.
Duncannon, Visct.
Dundas, Adm.
Dundas, D.
Easthope, Sir J.
Esmonde, Sir T.
Ferguson, Col.
French, F.
Grey, rt. hon. Sir G.
Howard, hn. C. W. G.
Howard, hn. E. G. G.
Howick, Visct.
Langston, J. H.
Langton, W. G.
Layard, Capt.
Macaulay, rt. hn. T.B.
McTaggart, Sir J.
Marsland, H.
Muntz, G. F.
Murphy, F. S.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M. J.
O'Conor Don
Paget, Col.
Pattison, J.
Philips, M.
Plumridge, Capt.
Ponson, hn. C. F.A.S.
Rawdon, Col.
Redington, T. N.
Ricardo, J. L.
Rice, E. R.
Russell, Lord J.
Scholefield, J.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Stanley, hon. W. O.
Stanton, W. H.
Strickland, Sir G.
Thornely, T.
Troubridge, Sir E. T.
Tufnel, H.
Warburton, H.
Ward, H. G.
Wawn, J. T.
White, H.
Yorke, H. R.

TELLERS.

Ewart, W.
Bowring, Dr.

Amendments agreed to. Bill to be read a third time.

DISSENTERS CHAPELS.] Upon the Order of the Day being read for the House to resolve itself into a Committee on the Dissenters Chapels Bill,

Mr. *Plumptre* said, he had, after the recent events that had occurred, entertained the hope that Her Majesty's Ministers would have moved the Order of the Day for the purpose of its being discharged. He hoped they would have paid some deference to public opinion, intimated as that had been by 350,000 signatures to petitions against this Bill. All the orthodox Dissenters prayed that such

a Bill should not receive the sanction of the Legislature. He was surprised that such a Bill had received the support of Ministers, for a large portion of their friends had opposed them on the last occasion that this Bill was before the House. If this Bill had been proposed by the noble Lord opposite when sitting on the Ministerial Benches, it would have been opposed by every man of the present Ministry. The Appropriation Clause in the Irish Church Bill was honesty—absolute purity—compared to this Bill. It would violate sacred trusts, and would operate practically in favour of that class of men, who, in the opinion of the great majority of the Christian community, entertained most dangerous doctrines. He assured the right hon. Gentleman at the head of the Government, that the wound inflicted by this Bill was one that would be felt keenly, and would not soon be healed. To hurt Socinians was one thing, but to endow them with property they wrongfully possessed was another. This Bill was withdrawing the key-stone from the arch of Christianity. The right hon. Gentleman (Mr. Macaulay) who succeeded him on the last occasion, endeavoured to hunt him down; but, he should be unworthy of his present situation, if he did not endeavour to express sentiments that came from the bottom of his heart. It was in vain to appeal to the feelings of Her Majesty's Ministers, and though it might not be possible for him to stop the measure, he would try.

Lord *J. Russell* said, none would doubt the sincerity of the hon. Gentleman who had just sat down. He knew many amongst his own supporters who entertained similar opinions with equal sincerity, and who had intimated to him their intention of withdrawing their support from him should he support this Bill. Notwithstanding this, he must say, after due consideration, that there never was a Bill as to the propriety of which he entertained a stronger conviction. He could not help thinking that the hon. Gentleman, as well as those who had exclaimed so loudly against the Bill out of doors, had mixed up two questions together. Both the hon. Members and the individuals to whom he had alluded, had put forward their religious objections to the doctrines held by the Unitarians. But if this objection was to be allowed to interfere with their political discussions, they ought to have interfered to exclude this class of Dissenters from the Act of Toleration. Parliament had, however, justly as he thought, decided otherwise; and he, therefore, could not see any reason for making a distinction between Unitarians and others in respect of these funds or trusts. They ought to be treated in the same way as though they were Baptists, or Wesleyan Methodists. The hon. Member (Mr. Plumptre) was not of that opinion; but he maintained that to uphold any other principle was to confess that religious liberty and toleration were not the rule of legislation. He should rather call it religious persecution. If they meant not to tolerate the propagation of certain doctrines, let them do so by direct laws. Such was his opinion in reference to that part of the hon. Member's Speech, in which he stated his strong repugnance to granting any advantages to the Unitarians. As a question of property, the measure had been already fully argued. It had been truly said, that with respect to many of these sects, changes of opinion had taken place from time to time, from the circumstances of their not being bound together like an Establishment, and that, therefore, where you have no means of ascertaining the precise doctrines intended to be taught, a certain period of time should be allowed to give a prescriptive right. If this were denied, he had yet to learn to whom this property should be given. If these congregations, the direct followers of the direct descendants of the pastors who preached immediately after the Revolution, were to be excluded, how could it be proved that any other denomination of Dissenters, Independents, Baptists, or Wesleyan Methodists, were entitled to the property in their possession. The utmost that could be done, would be, to direct that the property should be given to the Crown. He was convinced that, although toleration was not given to the Unitarians till 1813, yet in practice, toleration had existed during the last century. He believed that if such a case had come forward at the time of Sir Robert Walpole or Lord Chatham, the Socinians never would have been divested of their property by the pretence of a Court of Law. The Bill, in his opinion, was merely doing an act of justice to a particular class of Dissenters, and the question of religion ought, he thought, to be kept entirely out of view.

Sir *R. Peel* after the observations of his hon. Friend (Mr. Plumptre) of whose sincerity he was perfectly convinced, felt himself bound to state, that subsequent reflection, and a consideration of the arguments used in the former debates by the most able men, had not induced him in the slightest degree to vary from the opinions he had formerly expressed. His hon. Friend said that he had expected that, after what had passed, the Government would only have moved the Order upon this Bill for the purpose of withdrawing it. Now, if the Government had taken such a course on account of anything that had recently passed, they would have been discredited and disgraced in public estimation. At any rate, his hon. Friend had, in the course of his observations conclusively proved that Government could have no other object in consenting to press this Bill than that of promoting what they believed to be justice. The parties chiefly interested in the Bill (according to his hon. Friend) were the opponents of the Government. The Government could not have had it in view to conciliate public support, for the measure was not agreeable to their ordinary supporters. And many of the most zealous members of the Established Church, and many of those classes of Dissenters who were distinguished by their adherence to a faith the influence of which was evidenced in their lives were opposed to the Bill. But the Government considered the question not one of faith, but of property. And there was no ground for saying that an assent to the measure implied any species of sanction to the religious tenets of any sect which might be benefited by it. The Government, however, considered that if it were not passed there would occur something approaching to a legal crusade, on religious grounds against certain classes; and therefore, impelled by a regard for justice, for peace, and for harmony, they had resolved—not to "endow" any religious sect, but to extend to all classes of religious opinions equally the protection of this measure. He concurred in the argument of the noble Lord opposite, that if Parliament had intended to subject Unitarians to the disadvantages and disabilities involved in a concession to the arguments of those who opposed this measure, toleration would not have been extended to that sect. He had only to observe, in conclusion, that he much regretted his hon. Friend should have talked of "recent circumstances" as nothing but a conviction and a sense of justice could have induced them to take the course they had adopted upon this measure.

Mr. *Shaw* felt that was not the time for any general discussion of the principle of the Bill; but after the observations of his right hon. Friend, as well as those of the noble Lord, he would beg to say a few words before the Speaker left the Chair. He agreed that the question should be discussed as one rather of property than of religious faith; but putting it upon that ground, he thought great misapprehension existed in the House as to what were the real objections to the measure. The truth was, the case of the opponents, to the Bill had come before the House under very great disadvantage. An hon. and learned Gentleman, the Member for Worcester (Sir T. Wilde), who had, as he was informed, undertaken to state the case of the English Dissenters, in opposition to the measure on the second reading, who had advised them in the course to be pursued, and was thoroughly acquainted with their entire case, had, the evening before the second reading of the Bill in that House, informed them that he had changed his opinion, and that he must the next night, as he did, vote against the Bill. He did not mention the fact for the sake of throwing censure on the hon. and learned Member, who, no doubt, had good reasons for the line he had adopted, but merely to account for the case of the opponents not having been as fully stated as it otherwise would have been. There was then an hon. Friend of his, the Member for Coleraine (Mr. Boyd), himself a Member of the Presbyterian body, and personally acquainted with the constitution of the Synod of Ulster, who had been obliged suddenly to leave London, in consequence of illness in his family, after having given notice of several Amendments, and being prepared to afford the House every information respecting the case of that important body, containing an immense majority of the Irish Presbyterians. It was peculiarly their case that would arise upon the Amendment of which he had given notice, and he felt quite incompetent to do them justice, from having little personal knowledge on the subject, and being but imperfectly in-

formed of the facts upon which it depended; he still knew enough, founded upon documents and authority which could not be disputed, to encourage him to think that the House could be satisfied of the perfect fairness and reasonableness of the Amendment he should bring forward on behalf of that body; and he could not believe that the Government would refuse to accede to it. First, however, he begged to say these few words with respect to the Bill generally. The Government professed it to be one of mere justice, and introduced without reference to any particular sects or religious opinions. Now, as regarded the first Clause of the Bill—if he understood that rightly—it was intended to place Unitarians on the same footing with regard to their own endowments, foundations, and properties, as if the acts giving them the full benefit of the Act of Toleration had been in operation at the time those properties accrued to them—and to that he did not object. But the second Clause went much farther, and although it was, no doubt, in its terms general, yet, in fact, it would only operate for the benefit of one class of Dissenters, viz., the Unitarians, and he believed the great majority of all other classes of Dissenters were opposed to it. He was a friend to the principle, that length of time should quiet titles, give security to possession, and to staying litigation; but he conceived that if the Bill passed in its present form, it would work great injustice, sanction the violation of trusts, deprive parties of rights of which they could produce the clearest evidence, and encourage litigation, in order to save the period of limitation running. He would not, however, further anticipate the observations with which he should have to trouble the House on his two Amendments to the 2nd Clause, for exempting the Synod of Ulster from its operation, and extending the period of general limitation from 25 to 60 years.

Mr. Serjeant *Murphy* wished to know if the right hon. the Recorder of Dublin had afforded to his learned Friend the Member for Worcester any intimation of his intention to mention the facts alluded to? If not, he begged to state that the inference he deduced from them was, that the opposition to the measure must be perfectly indefensible if one so eminently sagacious and zealous in any cause he undertook, had found himself, after a careful examination of the case, compelled to abandon its advocacy. He knew apprehensions had been naturally aroused by the result of the "Lady Hewley's" case, as to the probability of litigation disturbing the possession of property which had been long enjoyed by particular classes—litigation set on foot by parties not interested in the subject-matter of dispute. And the principle and protection of the measure would apply to no one sect more than to another. But he was persuaded that the feeling which rankled against this Bill arose from religious hostility to a certain sect.

Mr. *Darby* said, that the objection of the Dissenters to this Bill was, that it excluded in a particular case evidence which was admissible in all other cases, and on this ground he objected to the Bill. He was not inclined to think that the Bill would prevent litigation, as in his opinion it might lead to as much litigation as existed under the present system; if, as had been asserted, the litigation was promoted by attorneys for their own interest.

Colonel *Sibthorpe* said, that if the Member for Kent proceeded to a division he should support him. At the same time it was for the hon. Member for Kent to consider, after what had fallen from the right hon. the Recorder for Dublin, whether he would withdraw his opposition to the Speaker leaving the Chair, and see whether it were possible to amend the Bill in Committee. He objected to the principle of the Bill; and he hardly thought it possible to amend it in Committee.

Mr. *J. Collett* said, that the attack on this Bill had been led on by the hon. Baronet the Member for the University of Oxford, and had been renewed by the hon. Member for Kent. They were the representatives of the high Church party. In the other House the opposition came from two right rev. Prelates, who represented no one but themselves, and who advocated the power and supremacy of the Church. Believing the Bill to be a good measure he should support it.

Sir *W. James*, although he did not approve of the principles involved in this Bill, expressed a hope that the hon. Member for Kent would not press his opposition to the Motion for going into Committee, when its details could be better considered. With respect to the first Clause of the Bill, he thought that con-

sistently with acts which had been passed in the early part of this century, it could not with any consistency be refused. But he hoped that the second Clause, which was the pinching Clause of the Bill, would not be pressed by Her Majesty's Government.

Mr. *Ward* said, if the second Clause were omitted, the Bill might as well be withdrawn altogether. The right hon. Baronet opposite had said very truly, that this was a measure of property and not of religion; and he must say, as far as his own experience extended, he had found much more intolerance manifested upon the subject by Dissenters than by members of the Church Establishment. For his own part, he supported this measure entirely upon principles of justice, and in the hope of putting a stop to much painful, fruitless, and intricate legislation; and he was extremely glad to hear the right hon. Baronet declare his intention to persevere with it.

Mr. *Lawson* opposed the Bill, and in this opposition he was supported by the unanimous feeling of those whom he represented. He had presented Petitions against it, not only from Wesleyans and other Dissenters, but also from members of the Church of England. That House was not the place for religious discussions. He therefore did not oppose the Bill because it was in favour of Unitarians, for he thought that whatever trusts had been left by Unitarians for the benefit of that sect should be devoted to the purpose. But he really thought that the Bill would do more injury to the interest of dissent than the present law, for the adoption of the provision respecting the twenty-five years' usage, would drive persons disposed to leave property to a religious trust to leave it to a sect of decided faith and well-known opinions. He opposed the Bill, because he believed it would create great uncertainty with regard to property.

Colonel *Verner* being connected with the Presbyterians of the north of Ireland, thought he should not discharge his duty unless he made a few observations on the Bill. The learned Attorney General had endeavoured to point out the justice of the measure, but, as far as he could understand, nothing but injustice would be committed by this Bill. He was opposed to the Bill being considered in a political view, and he, therefore, could not forget an observation which fell from the hon. Gentleman opposite on the second reading,—that the Catholics were to a man in favour of the measure. He thought that assertion was made to influence the opinions of other hon. Members.

Mr. *M. Philips* had too much respect for those with whom he was associated in religious opinions to ask them to support a measure which had been designated out of doors as one of robbery and spoliation. He believed it was a measure of simple justice and equity, if not one of right. In his opinion there was nothing less calculated to promote the objects of religion than to allow many of those parties who at present enjoyed foundations, to be turned out of possession by suffering the law to remain as it then stood. If the present possessors of numerous chapels were attacked there was no means of ascertaining into whose hands these foundations might pass, if such attacks were legally successful. He did not think the cause of Christianity nor the cause of religion could be promoted by such proceedings, and he was quite certain, the cause of religious toleration could not be advanced, He asked those who sought to wrest these places of worship from the present occupants whether they thought the conscientious doctrines held by these parties would be put down? He believed such would not be the case. He trusted hon. Gentlemen would view the case as one of equity, and endeavour to dispel some of the erroneous opinions which were held with regard to this measure. He tendered his thanks to the Government for bringing forward the Bill; they had shown themselves superior to all those influences which might have been brought to bear against them, and had placed themselves in a position which, he was sure, they would always look back upon with pleasure, namely, that of endeavouring to reconcile the differences of the religions classes of the country.

Mr. *S. Wortley* considered, after the long discussion which had been taken on the second reading, it would be proper to allow the Bill to go into Committee. The essence of the Bill was comprised in one Clause, and the essence of that Clause was confined almost to a single line. In dealing with the provisions of the second Clause, they were dealing with an enactment that was intended to apply to several different classes of cases, and the question was, how to construct it so as to give some

necessary, proper, and fair protection, and at the same time to avoid throwing the shield of Parliament over cases to which it was not properly applicable. He was disposed to look upon the question, not as one of religion or theological doctrine, but as one of property and law, and its effects upon the rights of property induced in his mind great doubts as to the propriety of applying it to all those several classes of cases to which, as the second Clause now stood, it would extend. These different classes of course, had been mentioned as coming within the provisions of the Bill. First, that class, for the legal proceedings in which the introduction of the Bill was in a great measure the consequence. Then there was that class in which the case of Lady Hewley's charity was comprised, and which he thought stood upon a different footing to the religious trusts to which the hon. and learned Attorney General had alluded on a former evening, in the course of his opening statement; and then there was that class which related to the Presbyterians of the north of Ireland which stood on grounds essentially distinct from either of the others. All these required consideration as to how far the Bill should afford them protection, and therefore it was, that he hoped the Bill would be allowed to go into Committee.

Mr. *B. Escott* supported the Bill as a measure of peace and justice, and he trusted no alterations would be made in it in Committee which were not calculated to further those objects. He had heard much opposition to the Bill, and it had been said, that the nature of that opposition proved the disinterested conduct of the Government in introducing it. He was not of that opinion, for if there ever had been a Bill framed by the Government more calculated to extend their power and influence with the people of this country than another, it was the one now under discussion.

House went into Committee.

On the first Clause,

Mr. *Hardy* objected that the Clause did not properly express the object of the Bill. The Clause proposed to relieve Dissenters generally, but it was well known that the great body of Dissenters were opposed to the Bill. He thought that particular body of Dissenters for whose benefit the Bill was intended, should be named in it. He proposed to insert in the enacting part of the Clause, the words "being Unitarian Dissenters."

The *Solicitor General* could not have a better proof that the Bill was not generally understood than the observation of his hon. and learned Friend. It was quite clear that his hon. and learned Friend had not the least notion of the scope and effect of the Clause. This, he believed, was the first objection that had been made to this particular provision, which was, in fact, necessary to protect all denominations of Dissenters. From 1662 down to 1689, in England any dissent from the established religion was illegal, and from 1665 down to 1719, in Ireland the case was the same. It was well known however, that between the years he had stated, both in England and Ireland, many dissenting congregations were established. In Ireland, between 1665 and 1719, many Presbyterian congregations were established, all of which, according to the law of that period, were illegal. Now, supposing a question were to arise at this time, as to the right of any trust property held by such congregations, without the protection of this Bill, the parties might be dispossessed. Suppose, for instance, any of these congregations should hold the property under deeds expressing merely the intentions of the founder, that meeting-houses or chapels should be established for the worship of God in those general terms, and any question should arise as to the particular religious worship to which the trust was intended to be applied. If the deed of trust had been executed within the period he had mentioned, as the law now stood, the Chancellor would decide that it must be for the purposes of that particular religion which was legal at the date of the deed, and the consequences would be that the chapels would be taken away from those congregations to whose use they had been applied from the first moment of their erection. His hon. and learned Friend, therefore, had totally misunderstood the protective effect of the Clause. This Bill was intended not to protect Unitarians merely, but as a measure of general justice to protect the rights of all, without interfering with the interests of any. The hon. Member's Amendment, therefore, was a violation of the whole spirit and principle of the Bill.

Clause agreed to.

On Clause 2 being proposed,

Mr. *Shaw* then brought forward the

Amendment of which he had given notice on behalf of the Synod or General Assembly of Ulster. They had now by the 1st Clause placed Unitarians in the same condition as to their property as if they had acquired or founded it after the passing of the Act extending to them the benefit of the Toleration Act. They had then to deal with the 22nd Clause for supplying evidence to quiet possession where it did not exist, in a clear and tangible form, and which was admittedly to continue parties in possession of property which did not originally belong to them, but was intended for different objects. In such case the utmost caution should be observed. The original Bill exempted the case of deeds expressly declaring the trusts, and containing the particular religious opinions. The Bill, as amended by the Government, extended that exemption to the Wesleyan Methodists, whose deeds had reference to documents containing such opinions—and what he contended for was the justice of including the case of the Synod of Ulster, which, generally speaking, had no deeds, but had authentic documents as clear and decisive in point of evidence as to the particular doctrines of the ministers connected with them as any deeds could afford. The Synod of Ulster had existed for about two centuries. Its records had been lost up to 1691, but from that period were as regularly kept as those of a court of justice. From that period to the present, there was the clearest proof upon these records of their Trinitarian faith, and of the necessity of every minister subscribing it. In 1716 they recorded that the Synod had accepted the Act of Toleration on condition of signing the Westminster Confession of Faith—and in 1726, and in about a century after, in 1829, the Presbytery of Antrim and Remonstrant Synod seceded, because subscription was required by the Synod. The Synod of Ulster had about 500 congregations, containing nearly 700,000 members, and when they could prove their doctrine by the clearest documentary evidence, would it be just or right to allow them to be ousted by a chance usage of twenty-five years, where one single clergyman, perhaps, insidiously, or imperceptibly passing into Arianism or Socinianism, might be the means of transferring the congregational and other property from Trinitarian to Unitarian objects. He was not wedded to any particular form of words, and would adopt any the law officers of the Crown preferred to his, provided they would agree to what in substance he proposed—namely, to provide for the case of the Synod of Ulster. The words he proposed to add were :—

"Or where no particular religious doctrines or opinions are contained in any book or other document, preserved amongst the authentic records of any recognised synod or religious body, concerning the congregation frequenting such meeting-house."

The right hon. Gentleman moved that addition be put from the Chair.

The *Solicitor General* was sorry to object, not only to the words of the Amendment proposed by his right hon. Friend, but also to any words which would effect an alteration in the Clause upon the principle which his right hon. Friend wished to establish. No form of words, in his opinion, could be framed in which he could be induced to concur for the purpose of attaining the object his right hon. Friend had in view. The end which the Government had endeavoured to arrive at in introducing the Bill before the Committee was, to secure the possession of such chapels and properties to the parties to whom they were conveyed, either by the will or deed of the founder, or other document; in all those cases where such evidence of property existed, the will or original deed of endowment or gift must be held inviolate, and the property was to be held by its possessors upon those terms to the end of time, and nobody was ever to have the right to interfere with them. But the right hon. Gentleman proposed to enlarge the exceptions which it had been found necessary to introduce into the measure, and to extend which, in the manner effected by the Amendment before the Committee, would in his opinion, be to commit an act of great injustice. The Committee would observe that great difficulties presented themselves with respect to the construction which might be put upon the words of the Amendment. What were to be considered the authentic records, or the contemporaneous documents, appertaining to the chapels of the Synod of Ulster? Who was to judge of the doctrines or opinions professed then and now? And of what were the tribunals to consist. [Mr. *Shaw*: "A regular Court of Justice."] The regular Courts of Law, his right hon. Friend said. But the Com-

mittee would observe, that the will of the founder of the chapels was, by the words of the Amendment, to possess no kind of influence, nor even to be admitted in evidence of the right of possession. That right was to be judged of solely by the doctrines which were preached in the congregations of the Synod of Ulster when that body was first founded; so that those doctrines might be wholly opposed to the will of the founder, if amongst the records that were to govern the decision of the Court any evidence could be adduced of their having been the doctrines taught by the Synod of Ulster at that particular period. He, therefore, said that if the words proposed to be added to the Clause by his right hon. Friend were inserted, they would produce a monstrous injustice. Let him take the case of the Synod of Ulster itself as an illustration of the case. That Synod had existed for 200 years, and yet, as his right hon. Friend had acknowledged, the first record of its doctrines in a documentary form was dated in 1691. That record, therefore, could not contain the will of the founder of the original congregations out of which the Synod had sprung, for they had existed long before that date. He took it for granted that his right hon. Friend had no document which could offer any evidence of what the original founders' doctrines were. And yet what did he propose to do? He proposed to take a document which was neither sanctioned by, nor known to, the founders of the Synod, and which likewise was not evidence either of their doctrines or intentions, and he desired to establish that document, and to have it received as evidence which was to guide the decision in the case as to the doctrines which originally prevailed when these congregations were first collected together in the form of the Synod of Ulster. The right hon. Gentleman had stated that the Synod required every consistent congregation to sign, in the person of its Minister, one confession of faith, and he moreover, had admitted in consequence of this determination several of the congregations seceded in the year 1726, and formed the separate and independent Presbytery of Antrim; and it appeared in evidence before the Lord Chief Baron that Arian or Unitarian doctrines had prevailed from the year 1726 amongst the congregations forming the Presbytery of Antrim. Now, he would tell the Committee shortly what the object proposed to be effected by the Amendment was. It appeared by reference to some existing documents and records, that the Synod of Ulster required the individual congregations of which it was composed to sign a general confession of faith. Now, if his right hon. Friend could have obtained the insertion of the words proposed by him, the immediate and inevitable effect would be, that all the property which had been acquired by the Presbytery of Antrim since its secession in the year 1726, would be within the grasp of the Synod of Ulster, for they would in that case refer to documents of the year 1691, and say to the Presbytery, "You seceded from us, the doctrines recorded in the documents of the date of 1691 were those which you, therefore, must originally have held, and, therefore, although you have been Arians from the year 1726, all your chapels belong of right to us, because you yourselves were originally of our Synod." He thought that what he had stated was a sufficient answer to all that had been advanced by the right hon. Gentleman; and in reply to his question, whether the Government would commit an act of injustice, he would merely ask, would the Committee sanction such a proceeding as that which he had pointed out? He would not go into the other question of twenty-five years being the limit to which the change of doctrines in chapels should be confined; for that formed a separate part of the clause, but he trusted he had said enough to induce the Committee to refuse to agree to the Amendment of his right hon. Friend.

Mr. *Shaw* said, the doctrines of the Synod of Ulster had always been the same, and there had been twenty preachers —as that term was generally understood. By his Amendment, it was only proposed to make the written records evidence of cotemporaneous practice, he contended that the Government whose Bill it was were bound to legislate without detriment to any great interest, therefore, they should introduce words to exempt the Synod of Ulster; and also he would agree to their protecting the Presbytery of Antrim and Remonstrant Synod, whose property he was authorized by the Deputation then in London, to say the Synod of Ulster did not desire to touch.

The *Attorney General* must beg his right hon. Friend's attention whilst he stated to the Committee his objection to

the Amendment under consideration for he disapproved of it so strongly that no form of words could be framed which would meet the object had in view. His right hon. Friend proposed to govern the possession of the property in question by the records or documents which showed what the doctrines of the Synod of Ulster were at the period when the chapels were endowed. But his right hon. Friend had totally overlooked the fact that those endowments might, and in all probability had been made in conformity with the doctrines preached at the present day to congregations of the Presbytery of Antrim, and yet the evidence of such doctrines having been so preached was not to guide the decision of the Court as to the right to the property, but that right was to be decided by the evidence of the documents dated 1691, which set forth what were the doctrines of the Synod of Ulster. Nothing could induce him to assent to such a proposition. His right hon. Friend had stated as a reason for proposing the insertion of the words, that if they were not so inserted the measure would leave the Synod of Ulster open to deprivation of all its property. Now, where let him ask, was that property? In what did it consist? The Synod of Ulster was not the founder of this property. The Bill meddled with no trusts, disturbed no deeds, either of gift or endowment. All that the measure did was to assign to each party his property, but it interfered with no settlements, either by will or otherwise. Looking at the question as one merely of property, the chapels of the Synod were purchased or built by those who now held them, in the same manner as such buildings were bought or erected in England. The congregations occupying them and the Ministers were their support, and yet the Amendment of the right hon. Gentleman, if agreed to, would merely render it necessary for the Synod of Ulster to prove that the congregations originally belonged to that Synod; that they had seceded, and that the property, therefore, must be transferred to the professors of those doctrines which were originally taught there. Now, what had that question to do with the intentions of the original founders of those chapels? They could not have intended to bind their successors to any formal adherence to the Synod of Ulster, for there was a secession in 1726, and one more recently in 1829, both of which bodies of seceders were now extant, under the names of the Presbytery of Antrim, and the Synod of Remonstrants. The right hon. Gentleman had declared that it was not the intention of the Synod of Ulster to take any steps to obtain possession of the chapels or other congregational property of the seceders, and that when the law was in its old state no such attempt was ever made. But why were these parties to be treated differently from future seceders? He could not help thinking the alarm expressed by the right hon. Gentleman as to the future secession of the "Congregations of the Synod of Ulster" somewhat unfounded, and even if they were not, Acts of Parliament were but very indifferent means of opposing the spread of Arian or Socinian doctrines. It was not the minister, but the congregation which guided the selection of the doctrines preached to them, and it could not be a reasonable ground for supposition that any minister could for such sinister purposes as the right hon. Gentleman had described, secretly and unknown to his congregation entertain Unitarian or Arian doctrines for the period of twenty-five years. The alarm therefore which the right hon. Gentleman had expressed on this head, and which had induced him to prepare and bring forward the Amendment before the Committee, had no real foundation, and even if it had, the proposed Amendment would in no degree avert the evil contemplated, for the Clause would in no way protect the Synod of Ulster, as it was quite clear to his mind that the Synod had no right whatever to claim the property of its congregational chapels. He, therefore, must offer his decided objection to the Amendment.

Mr. *Shaw* said, that in the case of the Synod of Ulster there had been no founders—the congregations were self-constituted, and then formed into Presbyteries, governed by the Synod. The property was in the congregation, but virtually managed by the Synod. He said in answer to his hon. and learned Friend (Sir W. Follett) that he thought it often would be very difficult to detect Unitarianism in the minister, and Lord Cottenham had decided that the usage was to be decided by the doctrines the minister held. The doctrines of the Synod of Ulster were on record from 1691 up to the present moment.

Sir *R. Peel* could not help alluding to

one point, which it occurred to him was of no small importance, in relation to the Amendment under discussion, as showing the necessity for legislative interference in the matter. His right hon. Friend had made no reference whatever to the Presbytery of Antrim or the Remonstrants beyond a mere passing allusion; but he had proposed an enactment giving the Synod of Ulster complete power over these two bodies, one of which had seceded from it upwards of a century, and the other of which had been a distinct synod since the year 1829. The right hon. Gentleman had declared that the Synod of Ulster had no intention whatever to interfere with either of the bodies he had just named, either before the Bill was introduced or after it should be passed. Now, that declaration of his right hon. Friend had very considerably relieved his mind from some apprehensions, which were so strong as to induce the Government to think during the last year that some legislative interference would be necessary, in order to protect those very bodies from the Synod of Ulster. For though the right hon. Gentleman had disclaimed all such intentions as had been referred to, yet no longer ago than the 1st of March, 1843, a Committee was formed out of the governing committee of the Synod of Ulster, the decision in the Hewley charity having then become known to them, which committee came to the resolution that legal steps should be taken to compel the restoration of such chapels and other property as were in the possession of congregations which could be proved to have formerly held Trinitarian doctrines, as the possession of congregations of the chapels in question was an act of spoliation committed on the Synod of Ulster. And copies of this resolution were transmitted to the individual congregations, both of the Synod of Remonstrants and of the Presbytery of Antrim. This Resolution excited great apprehensions in the two seceding bodies, and likewise in the Members of the Cabinet, and it would prove a great relief both to Her Majesty's Government and to the parties to whom he referred, to find from the declarations of his right hon. Friend that they were entirely unfounded.

The Committee divided on the question that the words proposed by Mr. Shaw be inserted:—Ayes 43; Noes 161: Majority 118.

List of the AYES.

Acton, Col.	Lefroy, A.
Adderley, C. B.	Lowther, hon. Col.
Archdall, Capt. M.	McGeachy, F. A.
Ashley, Lord	McTaggart, Sir J.
Bateson, T.	Manners, Lord J.
Blackburne, J. I.	Northland, Visct.
Brooke, Sir A. B.	O'Brien, A. S.
Bruges, W. H. L.	Palmer, G.
Chetwode, Sir J.	Plumptre, J. P.
Colquhoun, J. C.	Pollington, Visct.
Cowper, hon. W. F.	Rashleigh, W.
Dickinson, F. H.	Rushbrooke, Col.
Farnham, E. B.	Ryder, hon. G. D.
Grogan, E.	Sibthorp, Col.
Hamilton, J. H.	Smith, A.
Hamilton, G. A.	Smyth, Sir H.
Hardy, J.	Stewart, P. M.
Harris, hon. Capt.	Taylor, E.
Hayes, Sir E.	Tollemache, J.
Henley, J. W.	Verner, Col.
Humphery, Ald.	TELLERS.
Jones, Capt.	Shaw, rt. hn. F.
Law, hon. C.	Jocelyn, Visct.

List of the NOES.

Acland, T. D.	Denison, J. E.
Aglionby, H. A.	Denison, E. B.
Aldam, W.	Dick, Q.
Arbuthnott, hon. H.	Douglas, Sir C. E.
Arkwright, G.	Drummond, H. H.
Baird, W.	Duncan, G.
Bannerman, A.	Eliot, Lord
Baring, hon. W. B.	Escott, B.
Baring, rt. hn. F. T.	Evans, W.
Baring, T.	Ewart, W.
Barnard, E. G.	Ferguson, Col.
Barrington, Visct.	Ferguson, Sir R. A.
Bentinck, Lord G.	Flower, Sir J.
Bernal, R.	Follett, Sir W. W.
Blakemore, R.	Forman, T. S.
Bodkin, W. H.	Forster, M.
Boldero, H. G.	Fremantle, rt. hn. Sir T.
Borthwick, P.	French, F.
Bowles, Adm.	Gaskell, J. Milnes
Bowring, Dr.	Gibson, T. M.
Bramstone, T. W.	Gladstone, rt. hn. W. E.
Brocklehurst, J.	Gladstone, Capt.
Brotherton, J.	Glynne, Sir S. R.
Browne, hon. W.	Gordon, hon. Capt.
Buller, Sir J. Y.	Graham, rt. hn. Sir J.
Campbell, Sir H.	Granby, Marq. of
Campbell, J. H.	Grey, rt. hn. Sir G.
Cardwell, E.	Grimston, Visct.
Chelsea, Visct.	Grosvenor, Lord R.
Chute, W. L. W.	Halford, Sir H.
Clayton, R. R.	Harcourt, G. G.
Clerk, Sir G.	Hawes, B.
Clive, hon. R. H.	Heathcote, Sir W.
Cockburn, rt. hn. Sir G.	Hervey, Lord A.
Collett, J.	Hill, Lord M.
Collins, W.	Hobhouse, rt. hn. Sir J.
Compton, H. C.	Hope, hon. C.
Corry, rt. hn. H.	Hope, G. W.
Craig, W. G.	Hoskins, K.
Cripps, W.	Howard, hon. C. W. G.

Howard, hn. J. K.
Howard, hon. H.
Hutt, W.
Ingestre, Visct.
Irton, S.
James, W.
Jermyn, Earl
Johnstone, Sir J.
Knatchbull, rt.hn.SirE
Knight, H. G.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Long, W.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
M'Neill, D.
Mainwaring, T.
March, Earl of
Marjoribanks, S.
Marshall, W.
Marsland, H.
Martin, J.
Martin, C. W.
Mitchell, T. A.
Morris, D.
Nicholl, rt. hn. J.
Norreys, Sir D. T.
O'Connell, M.
O'Connell, M. J.
O'Ferrall, R. M.
Packe, C. W.
Patten, J. W.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Pendarves, E. W. W.
Philips, M.
Plumridge, Capt.
Powell, Col.
Praed, W. T.
Protheroe, E.
Pusey, P.
Rawdon, Col.
Rice, E. R.
Ross, D. R.
Russell, Lord J.
Scott, R.
Seymour, Lord
Shelburne, Earl of
Smith, B.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stanton, W. H.
Stuart, Lord J.
Stock, Serj.
Sutton, hn. H. M.
Tancred, H. W.
Thesiger, Sir F.
Thornely, T.
Trench, Sir F. W.
Trevor, hon. C. R.
Tufnell, H.
Turnor, C.
Vane, Lord H.
Vivian, J. H.
Walker, R.
Warburton, H.
Wawn, J. T.
Welby, G. E.
White, H.
Whitmore, T. C.
Williams, W.
Wodehouse, C.
Wood, C.
Worsley, Lord
Wrightson, W. B.
Wynn, rt. hn. C. W. W.
Wyse, T.

TELLERS.

Young, J.
Baring, H.

Mr. *Shaw* then proposed his second Amendment, to substitute sixty for twenty-five years. As he had already partly discussed that point, he would be very short, and not again divide upon it, after the result of the last division. His reason for objecting to twenty-five years was shortly that such a subject bore no analogy to adverse possession of land. The period would not cover the life of one minister—and he proposed sixty years, because that was the period in the limitation of action statutes (3 and 4 Wm. IV. ch. 27; and 6 and 7 Vict. ch. 5), in the case of advowsons.

Amendment negatived.

Other Amendments having been proposed, and some accepted while others were rejected, the Committee divided on the question that the Clause as amended stand part of the Bill:—Ayes 188: Noes 62; Majority 126.

List of the AYES.

Acland, T. D.
Aglionby, H. A.
Aldam, W.
Archbold, R.
Arkwright, G.
Armstrong, Sir A.
Bannerman, A.
Barclay, D.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Baring, T.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Bentinck, Lord G.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Buller, Sir J. Y.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Chapman, B.
Chelsea, Visct.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt.hn. SirG.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Compton, H. C.
Craig, W. G.
Cripps, W.
Damer, hon. Col.
Davies, D. A. S.
Denison, W. J.
Denison, J. E.
Denison, E. B.
Douglas, Sir C. E.
Drummond, H. H.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A. E.
East, J. B.
Ebrington, Visct.
Egerton, W. T.
Eliot, Lord
Elphinstone, H.
Escott, B.
Esmonde, Sir T.
Evans, W.
Ewart, W.
Ferguson, Col.
Flower, Sir J.
Follett, Sir W. W.
Forman, T. S.
Forster, M.
Fremantle, rt.hn. SirT.
Gaskell, J. Milnes
Gladstone, rt.hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Grey, rt. hn. Sir G.
Grimstone, Visct.
Grosvenor, Lord R.
Hall, Sir B.
Hanmer, Sir J.
Hawes, B.
Hayter, W. G.
Heathcote, Sir W.
Herbert, hon. S.
Hervey, Lord A.
Hill, Lord M.
Hobhouse, rt.hn. SirJ.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Howard, hn. C. W. G.
Howard, P. H.
Hume, J.
Hutt, W.
Ingestre, Visct.
Irton, S.
James, W.
Jermyn, Earl
Johnson, Gen.
Knatchbull, rt.hn. SirE.
Knight, H. G.
Lascelles, hon. W. S.
Leader, J. T.
Legh, G. C.
Lemon, Sir C.
Leveson, Lord
Lincoln, Earl of
Long, W.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
Mackinnon, W. A.
McNeill, D.
Marjoribanks, S.
Marshall, W.
Marsham, Visct.
Marsland, H.
Martin, J.
Martin, C. W.
Milnes, R. M.
Mitchell, T. A.
Morris, D.
Morrison, J.
Muntz, G. F.
Nicholl, rt. hon. J.
O'Brien, J.
O'Connell, M.
O'Connell, M. J.
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Paget, Col.
Patten, J. W.
Pechell, Capt.

Peel, rt. hon. Sir R.
Peel, J.
Pendarves, E. W. W.
Philips, M.
Plumridge, Capt.
Powell, Col.
Power, J.
Protheroe, E.
Pusey. P.
Rawdon, Col.
Redington, T. N.
Rice, E. R.
Ross, D. R.
Rous, hon. Capt.
Rumbold, C. E.
Russell, Lord J.
Sandon, Visct.
Scott, R.
Seymour, Lord.
Smith, B.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stanton, W. H.
Stuart, Lord J.
Stock, Mr. Serj.
Strickland, Sir G.
Sturt, H. C.
Sutton, hon. H. M.
Talbot, C. R. M.
Tancred, H. W.
Thesiger, Sir F.
Thornely, T.
Trench, Sir F. W.
Trevor, hon. G. R.
Tufnell, H.
Vane, Lord H.
Vivian, J. H.
Waddington, H. S.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wawn, J. T.
White, H.
Whitmore, T. C.
Williams, W.
Wilshere, W.
Wodehouse, E.
Wood, C.
Worsley, Lord
Wortley, hon. J. S.
Wrightson, W. B.
Wyse, T.

TELLERS.
Young, J.
Lennox, Lord A.

List of the NOES.

Acton, Col.
Adderley, C. B.
Archdall, Capt. M.
Ashley, Lord
Bateson, T.
Blackburne, J. I.
Broadley, H.
Brooke, Sir A. B.
Bruges, W. H. L.
Buck, L. W.
Chetwode, Sir J.
Christopher, R. A.
Clayton, R. R.
Colquhoun, J. C.
Cowper, hon. W. F.
Darby, G.
Dickinson, F. H.
Dundas, Adm.
Du Pre, C. G.
Farnham, E. B.
Grogan, E.
Hamilton, J. H.
Hamilton, G. A.
Harris, hon. Capt.
Heathcote, G. J.
Henley, J. W.
Hughes, W. B.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Lopes, Sir R.
Lowther, hon. Col.
McGeachy, F. A.
McTaggart, Sir J.
Masterman, J.
Newdegate, C. N.
Northland, Visct.
O'Brien, A. S.
Ossulston, Lord
Palmer, G.
Polhill, F.
Pollington, Visct.
Rashleigh, W.
Richards, R.
Round, C. G.
Rushbrooke, Col.
Ryder, hon. G. D.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Smollett, A.
Taylor, E.
Tollemache, J.
Trollope, Sir J.
Troubridge, Sir E. T.
Verner, Col.
Vivian, J. E.

TELLERS.
Plumptre, J. P.
Hardy, J.

On the third Clause, "Judgments of Courts of Law or Equity to be binding; informations stayed upon terms,"

Lord *Ashley*, who had a notice on the Orders to substitute the following for Clause 3, regretted that he could not propose it. His object was, to restore the Bill to what it was before the Bill left the Lords, where, after the third reading, the reservation of all rights affirmed by judgments of Courts of Law and Equity originally enacted by this Clause, had been altered entirely, so as to apply to only two cases (he believed) now pending in the Irish courts, and prevent the judgment therein from taking effect. Now, what he proposed was to have made a severance of Unitarian from Trinitarian funds, allowing only the former to be retained by the Unitarian holders.

Mr. *Shaw* alluded more particularly to the two cases in question, both of them having occurred in Ireland, one of them the "Eustace-street," the other the "Strand-street" (Dublin) chapel. In these cases he affirmed great injustice would result from the allowing the judgments to be evaded—the parties adjudged to have the legal right to the property would not even be paid the whole costs to which they had been put. They would also lose a sum of 2,000*l.* incidentally depending upon that suit. He believed the plaintiffs never desired more than that each party, Trinitarian and Unitarian, should have the property belonging to each assigned to them respectively.

The *Solicitor General* said, while the Bill was pending in the Lords, the Select Committee having agreed the measure should extend to Ireland, a Clause was introduced by the Lord Chancellor enacting that it should be so extended, but making no allusion to the cases in question on which Lord Cottenham declared it had been the intention of the Committee to exclude them, and therefore the Clause had been altered to its present form. Now, the case of the Strand Street chapel was strong. Previously the meeting-house had been elsewhere, and the former lease having expired, another edifice had been secured in Strand Street, where the congregation, Unitarian as at present it was, had been unmolested since 1756, one minister alone having preached for fifty-six years. Unfortunately, Lady Hewley's case, though it had no reference to the circumstances

connected with this Bill, gave hints to parties of what they might do; and the suit was instituted not by "bill," but by "relation" (the course taken when a party had no interest in the result of a proceeding); and the only object which they who instituted that suit could have attained, if it had been allowed to go to a termination in their favour, was costs—which were reserved to them by this Clause. Was it to be permitted, however, that parties having no interest in the result beyond costs should harass a congregation who had so long been in possession? If the congregation had complained it would have been a different thing, of course.

Mr. *Shaw* was informed that the suit in question had not been instituted by strangers. That one of the principal parties had himself advanced money on the chapel, and the Synod of Munster, a non-subscribing though in the majority a Trinitarian Synod, supported the suit.

Clause agreed to.

House resumed. Report to be received on Monday.

COUNTY CORONERS.] The Order of the Day for the third reading of the County Coroners Bill having been moved,

Mr. *Hume* objected to the 21st Clause which proposed an increase of the charge of mileage from 9*d.* to 1*s.*, and moved the omission of the words. He thought the Coroners sufficiently paid already, for he found that when there was a vacancy, candidates for that office would spend as much money in the election as if they were putting up for a seat in that House.

Mr. *P. Howard* observed, that the sense of the House had frequently been expressed in favour of an increase of remuneration for mileage, and hoped that the Bill would not be rejected because of this Clause.

Mr. *Escott* reminded the House, that it had last Session agreed to 1*s.* 6*d.* a mile but the Bill was thrown out of the other House by a casting vote.

Mr. *Wakley* said, the appointment of deputies was a matter of necessity, and not of choice; the Act of Parliament making it imperative. But did the House provide for the payment of those deputies? No such thing. He did not wonder at the horror some hon. Members expressed at the office of Coroner; it was a very common feeling, and he often found persons who entertained it afterwards in a condition which rendered them unable to urge their complaints. Such feelings were rather admonitory; and he warned hon. Members against indulging in them. The hon. Member for Montrose was always talking about economy, and therefore he was always trying to diminish sums; but that was not economy. The mileage was fixed at 9*d.* in the reign of George II., and was paid out and home, making 1*s.* 6*d.* per mile up to the year 1828, when some magistrates of Oxford resisted it, and the litigation ended in a decision that only 9*d.* should be paid. But Sir J. Sheppard, then Attorney General, gave his opinion in favour of the 9*d.* being paid both out and home. After all, it was not so great an addition as might be supposed. If a Coroner were to travel 4,000 miles a-year it would amount to but 50*l.* The addition in Middlesex would not be more, perhaps, than 8*l.* But it was not in that county that the increased allowance was wanted; but in large counties, where the population was widely scattered, and where often the expenses exceeded the receipts for mileage. In his own case, the cost for turnpikes had frequently exceeded his mileage. Besides that, a Coroner was not allowed anything for parchments and stationery, or for offices, or for clerks. The 18th Clause provided, and very properly, that Coroners who were lawyers should not act either for the prosecution or defence in any case of murder or manslaughter which had come under their jurisdiction. But that was an additional reason why they should be liberally remunerated. The Coroner was elected by the people, and not by the Crown; and therefore he was not so well paid as officers of the Crown; and it was invariably found that, because he was a popular officer, a prejudice prevailed against him, among the magistracy, in Courts of Law, and in that House; and every opportunity seemed to be taken of throwing scandal upon the office, and to make the officer a dependent person.

Mr. *Evans* thought it difficult for that House to decide what was a proper remuneration for Coroners; but, judging from the competition for the office in all cases, he should think it sufficiently paid. He should, therefore, vote with the hon. Member for Montrose.

The House divided on the question that the words proposed to be left out stand part of the Bill:—Ayes 41; Noes 23: Majority 18.

List of the AYES.

Baring, hon. W. B.	Heathcote, Sir W.
Bellew, R. M.	Hodgson, R.
Berkeley, hon. Capt.	Hogg, J. W.
Blackburne, J. I.	Howard, P. H.
Boldero, H. G.	Jermyn, Earl
Borthwick, P.	Marshall, Visct.
Bowes, J.	Masterman, J.
Bramston, T. W.	Morris, D.
Clerk, Sir G.	Newry, Visct.
Denison, E. B.	Pennant, hon. Col.
Douglas, Sir C. E.	Plumptre, J. P.
Easthope, Sir J.	Rashleigh, W.
Eliot, Lord	Rushbrooke, Col.
Escott, B.	Shiel, rt. hon. R. L.
Flower, Sir J.	Smith, rt. hon. T. B. C.
Fuller, A. E.	Stanley, Lord
Gaskell, J. Milnes	Sutton, hon. H. M.
Gladstone, rt. hn. W. E.	Worsley, Lord
Gladstone, Capt.	Young, J.
Gordon, hon. Capt.	TELLERS.
Goulburn, rt. hn. H.	Darby, G.
Graham, rt. hn. Sir J.	Sandon, Visct.

List of the NOES.

Archbold, R.	Hawes, B.
Barclay, D.	Henley, J. W.
Barrington, Visct.	Irton, S.
Brotherton, J.	Johnson, Gen.
Cavendish, hon. G. H.	Mackenzie, W. F.
Collins, W.	Pendarves, E. W. W.
Copeland, Ald.	Redington, T. N.
Cripps, W.	Talbot, C. R. M.
Davies, D. A. S.	Watson, W. H.
Denison, W. J.	Wawn, J. T.
Dickinson, F. H.	TELLERS.
Evans, W.	Hume, J.
Greene, T.	Stanley, W. O.

Bill passed.

House adjourned at half-past twelve.

HOUSE OF LORDS,

Monday, June 24, 1844.

MINUTES.] BILLS. *Public.*—1ª. County Rates, etc.; County Coroners.

2ª. Marriages Celebration; New South Wales, etc. Government.

3ª. and passed:—Lecturers and Parish Clerks.

Private.—1ª. Rochdale Improvement.

Reported.—Preston and Wyre Docks; European Life Insurance Company; Slamannan Railway; Edinburgh and Glasgow Railway.

3ª. and passed:—Sir J. J. R. Mackenzie's (Scatwell) Estate; Mackenzie's (Seaforth) Estate; Liverpool Fire Prevention; South Eastern Railway; Manchester Stipendiary Magistrates; Canterbury Pavement; Lakenheath Drainage.

PETITIONS PRESENTED. From Wareham, and Isle of Purbeck, for Protection to Agriculture.—From Doncaster, and 3 other places, against the Union of St. Asaph and Bangor.—From Inch, and Burt, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.

RAJAH OF SATTARA.] Lord *Beaumont* said, that he had a Petition to present, which was signed by several Proprietors of East-India Stock, and others connected with our East-Indian possessions, and which stated that the Petitioners believed that injustice had been done to the Rajah of Sattara, and prayed their Lordships that they would interfere to obtain justice, though tardy, for his Highness. It might be in their Lordships' recollection, that some time ago, he (Lord Beaumont) presented a Petition to their Lordships, signed by his Highness, and dated from his prison at Benares, in which he complained that he had not been fairly treated as regarded the trial in which he was concerned—that he had not been allowed to attend at the early part of the proceedings—that when he applied for a copy of the evidence, it was given in languages which he did not understand, for part of it was in English and part of it in Hindostanee, whereas the Mahratta language was the only language with which he was acquainted perfectly. It was also alleged in that Petition, that the proceedings against his Highness rested on the evidence of witnesses who were wholly unworthy of credence; and he also stated that, before he was allowed an opportunity of answering that evidence, he was called upon to sign a document to the effect of acknowledging his guilt, and without that acknowledgment he would not be allowed possession of the musnid. The papers which contained an official account of all the proceedings in this case had been laid before the House of Commons, and those who took an interest in the subject, and who examined them, were convinced that the Rajah of Sattara had been unjustly treated, and ought to be afforded an opportunity of obtaining redress—that reliance had been placed upon the evidence of witnesses whose testimony he could have proved to be unworthy of credence, and which evidence he was still ready, if afforded the opportunity, to prove was unworthy of belief. Indeed an impression seemed to have been upon the mind of Sir R. Grant, when he was Governor of Bombay at the time of those proceedings, and of the noble Earl behind him (the Earl of Auckland), that the

evidence was not sufficient to sanction the decision which had been come to with respect to him; and he should show that to their Lordships by reading for them two or three extracts. The noble Lord then read the following extracts:—

Extract from Governor Grant's Minute, dated May 5, 1838:—

"With regard to the letters to Don Manuel, 'there is not a single instance proved of any letter having actually been written at Sattara with the cognizance of the Rajah.'

(Signed) "R. GRANT."

Extract from letter of W. H. Macnaghten, Esq., Secretary to Government of India, to W. H. Wathen, Esq., Secretary to Government of Bombay, October 2, 1837:—

"The Governor-General in Council could not but regard such plots (the Goa) to be too extravagant to be entertained for a moment by any person in his senses, while it appears that the Rajah is by no means deficient in understanding. In the hopelessness that all further evidence will be otherwise than inconclusive, and looking to the utmost degree of criminality which in any view of the testimony before the Commission, may be regarded as clearly and absolutely established, looking, too, to the interval which has since elapsed in inquiries leading to no further definite and important disclosures, his Lordship in Council would most gladly find that the right honourable the Governor in Council is disposed to concur with him in the opinion, and would close the proceedings; apprising the Rajah that, though several suspicious circumstances regarding His Highness have been elicited during the progress of the inquiry, yet the British Government is unwilling, without the clearest proof of guilt, to condemn any of its allies; and that the right honourable the Governor in Council is therefore pleased to close the proceedings with the expression of his hope that the Rajah will so conduct himself in future as to avoid the predicament in which he has recently been placed."

W. H. Macnaghten to W. H. Wathen, Oct. 16, 1837:—

"The proceedings reported in the communications now acknowledged are not, I am desired to state, such as to meet the approbation of his Lordship in Council. That the Rajah of Sattara, forgetful of all former obligations, and nettled by an alleged grievance, is disaffected to the British Government, and that he has been led by designing people, enemies either to him or the British Government, into acts intended to be injurious to that government, may be conceded; but the result of the late proceedings of the right honourable the Governor in Council has, I am desired to add, tended rather to weaken than to strengthen the case against him, for they either prove the extent of falsehood which is mingled with these accusations, or the imbecility with which the Rajah is entertaining projects of so wild a description. The Governor General in Council will look with some anxiety, though under the circumstances, not without suspicion, to any further confession which may be made by Govind Row, as tending to weaken or confirm the original charge adduced against the Rajah, or any of his family, of attempting to seduce our sepoys from their allegiance; and he is of opinion that whatever the Rajah of Sattara may have further to state in reply to those charges, should be fairly taken into consideration before any measures adverse to his Highness can be taken upon the proceedings already held."

Extract from the last Minute recorded by the Right Honourable the Governor of Bombay, dated 31st May, 1838:—

"The Rajah has not been told of the evidence taken by Colonel Ovans, and undoubtedly he has a right to be heard. I never meant otherwise.

(Signed) "R. GRANT."

Declaration of Don Miguel:—

"I consider it necessary, for the advancement of justice, and for my own honour, to declare that during the whole time I governed the Portuguese possessions in India, I never had any correspondence on political subjects with the said Rajah of Sattara, and whatever documents have appeared on that subject are false."

It was evident from those extracts which he had read, that Lord Auckland and Sir R. Grant were desirous that the Rajah should be fairly and justly treated, and

that an opportunity should be afforded to him of vindicating his character and disproving the evidence which had been brought against him. Since the papers upon the subject of the charges against the Rajah had been laid before the House of Commons, many persons had become impressed with a belief that he had been unjustly treated, who were previously of a different opinion, and he hoped their Lordships would, under these circumstances, see the propriety of doing justice to him. It was of more importance than ever to do justice to him at this moment—it was most important that the Board of Control should adopt a course which would have the effect of impressing the native princes with a sense of the justice of the proceedings adopted with respect to the Rajah of Sattara, and that course would be to afford him an opportunity of establishing his innocence, if he could, and failing to do that, his guilt might be clearly proved. He, therefore, would call on the noble Earl at the head of the Board of Control, to grant such a full and deliberate investigation as would enable the Rajah to vindicate his character, if he were innocent. He did not mean to say anything of the Rajah's restoration; that was a question into which it was not his intention to go: but if he were induced to do so, he might be able to show that others were more culpable than the Rajah, and that even if the evidence were true, his brother ought not to have been raised to the musnid instead of him, as that evidence would affect both of them. He might go further into the case, if he thought it necessary; he might describe at greater length the character of the evidence which had been brought against the Rajah, he might show that part of the evidence consisted of papers taken from a prostitute, who received 400 rupees, and that such were the means which were used to convict him of a charge which was absurd and ridiculous. He had now to present the petition, and to ask the noble Earl, the President of the Board of Control, if he would have the kindness to state whether or not he would afford to the Rajah an opportunity of disapproving the evidence which had been brought against them.

The Earl of *Ripon* said, he should state very shortly in answer to the noble Lord the grounds on which he did not think it expedient or right that any such investigation as he had requested, should take place. It was not his intention to recommend to the Court of Directors that the subject should be again entered into; for he believed that such a course would be attended with the greatest possible mischief and inconvenience, and would have a tendency, so far as it went, to shake the just authority and power of the East-India Company in their possessions in India. It was not a matter of recent origin, as would be seen by the fact that some of the documents referred to by the noble Lord, were dated so far back as 1837. It had been the subject of repeated, most deliberate, and most disinterested consideration by a great variety of authorities to whom the consideration of it had been referred, and who were peculiarly competent to decide it. One of the individuals who was a party to the proceedings against the Rajah, was the late Sir R. Grant; at least, he had a very strong opinion on the subject at the time he was Governor of Bombay; and finally, the decision was confirmed after the most extensive investigation by Sir J. Carnac, who succeeded Sir R. Grant in the Bombay Government. His noble Friend, the Governor General of India (the Earl of Auckland) a most perfectly disinterested authority, who could have no earthly motive, and whose very nature precluded the supposition of any motive to perpetuate an injustice, and whose first impressions led him to hesitate as to some of the facts stated was finally, after the most deliberate consideration, convinced that the case was made out against the Rajah, and that his deposition was an act of justice. That decision on the part of the Governor General of India confirming the subordinate Government of Bombay, was subsequently reviewed by Sir J. C. Hobhouse, and confirmed by the Court of Directors. It had been brought before a Court of Proprietors, and had been approved of there. When the late Lord Fitzgerald was President of the Board of Control, the case was again brought forward—for whenever a change took place in such an office, the individual coming in was sure to be called on to revise some previous decisions, and to be told, they were unjust and improper, and this course had been adopted when Lord Fitzgerald came into that office—Lord Fitzgerald

looked into the case, and had not thought proper to submit the decision of previous authorities to revision. Not long after he (the Earl of Ripon) was appointed to the office which he now held, he was requested to look into it. It was then new to him, and he felt it his duty to look through the papers, which he did, and such was their extent, that if he went fully into them, he should detain their Lordships until to-morrow morning, for they were the most voluminous papers he had ever been called on to look over. He had examined the portions of them which were most important to the purpose; and from what he had been able to learn from that investigation, he did not think that there was anything in the case which would justify him in recommending a reconsideration of it, and he could not, therefore, give any instruction on the subject.

Petition ordered to lie on the Table.

ST. ASAPH AND BANGOR DIOCESES BILL.] House in Committee.

Lord *Monteagle* said, he wished to call the attention of their Lordships, and particularly of the noble Duke opposite, to a subject which was of some importance, although it was a point of form. It would be in their Lordships' recollection that the Bill was before them in 1843, and it was then understood by their Lordships that when it was next brought forward, the consent of Her Majesty would be obtained for proceeding with it. This Bill affected the rights and patronage of the Crown; and, being of that nature, the noble Duke last year expressed his opinion that it would be impossible to proceed finally with the Bill without having the consent of the Crown. He wished, therefore, to ask the noble Duke opposite, if the consent of the Crown had been obtained for proceeding with the Bill?

The Duke of *Wellington* said, he could inform the noble Lord and the House that he had not the authority of Her Majesty to give consent to the Bill. He did when the measure was before them, in a former Session of Parliament, suggest that it would be expedient and proper to obtain the consent of the Crown before proceeding with the Bill; but as the noble Lord says it is not necessary that the consent of the Crown should be obtained at any particular stage of the Bill, he should have no objection to proceed with the Bill in Committee.

Lord *Campbell* was desirous to know if it were the intention of the Government to allow the Bill to pass into a law.

The Duke of *Wellington* did not mean to offer any opposition to the Motion of the noble Earl for going into Committee, or to making any alterations in Committee which he thought proper. If he should be authorized to give the consent of the Crown, he should do so; but at present his answer was, that he had not the authority of Her Majesty to signify her consent to the Bill.

Lord *Monteagle* said, that nothing could be more courteous or more convenient than to enable the noble Earl to go on with his Bill in order that he might make any alterations which he thought proper before the decision of the House upon it; and with that view he hoped their Lordships would not think it an intrusion if he said a few words upon it at that stage. The first Report of the Ecclesiastical Commissioners on the subject was made in March 1835, and recommended a consolidation of the Sees of St. Asaph and Bangor, and the creation of a Bishopric in Manchester. But so far were the Ecclesiastical Commissioners when they presented the first Report from contemplating the measure which had now become the law of the land, that they recommended one of an entirely different nature. He contemplated a union of the Sees, and the creation of the new See at Manchester, it was true;—but by the second Report, and the legislation founded on it, not only were these Bishoprics consolidated, but another step was taken by the transfer of a certain amount of ecclesiastical revenue derived from the principality of Wales for the purpose of endowing the intended Bishopric of Manchester. Whatever differences of opinion might exist as to other parts of the question, all noble Lords concurred in the obligation and the necessity of creating additional episcopal superintendence for the diocese of Manchester. For the attainment of that object it had been considered necessary to consolidate the two Welsh Bishoprics, and to tranfer the revenues of the principality of North Wales to the endowment of the See of Manchester. Now it was to this second proposition he wished to call their Lordships' attention. He wished to re-

mind their Lordships that the Ecclesiastical Commissioners were not at the time the proposition was made aware of the fact which had since been brought under their Lordships' notice in the last Session, and more distinctly in the present Session, by a right rev. Prelate, namely, that there would be a surplus of episcopal revenues, out of which the new Bishopric of Manchester might be advantageously and fittingly endowed without diverting from the clergy of the principality of Wales any of those endowments to which by law they were entitled. The Ecclesiastical Commissioners did not then see any other means by which the object could be attained; but it had since been discovered that fifteen dioceses which had been examined into would yield a surplus of 8,000*l.* a-year, and there was no doubt that further investigation respecting the remaining dioceses would show an available surplus, at the disposal of the Ecclesiastical Commissioners, fully equal, at least, to the endowment of the Bishopric of Manchester. He maintained, therefore, that although they had the right absolutely, as the guardians of the religious instruction of the country and of the endowment of the parochial clergy, yet that it would be unchristian to exercise that right—that it would be unjust in the highest degree to divest the principality of Wales of its revenues for the purpose of bestowing them on Manchester. On behalf of the parochial clergy of Wales, he would show their Lordships that it was their duty to apply them in a different way from what his noble Friend proposed. The income assigned to the united Bishopric was 5,000*l.*, so that there remained about 4,700*l.* per annum balance of the former income of the two Bishoprics. The greater portion of this amount was made up of the tithes paid by a population, very many of whose Ministers, it was matter of universal complaint, were most inadequately remunerated, though the appropriation of the tithes thus abstracted from them would place them in a position of due comfort and respectability. In the Report of the Ecclesiastical Commissioners, recommending the union of the Sees, it was made a feature that the balance thus arising could most advantageously be applied to increasing the incomes of the poorer clergy. True, it had been since thought that it would be necessary to apply this fund to endow the Bishopric of Manchester; but this necessity was now superseded, and there was more reason why the amount should be applied to increase the incomes of the poor vicars in the north of Wales, in the way that common justice and the recommendations of the Ecclesiastical Commissioners dictated. Sure he was, that the population of this district would feel that the true interests of the Church would be better consulted by more fitly remunerating the clergy, than by giving additional Bishops to North Wales. The noble Duke suggested that the House could not legislate upon that matter; if so, this was an argument also against the Bill which they were about to legislate upon. He (Lord Monteagle) trusted that the House would abide by the laws which it had enacted, or it might be opening a door to some very mischievous inferences, to some dangerous arguments. He might mention the case of one parish in Denbighshire, that of Abigill, whose population was 2,500, occupying a district of not less than 10,000 acres, yet there was not one church for all this large and widespread population, and, moreover, the tithes resulting from it went, not into the pockets of the clergy, not into the pockets of the Bishops, but into the pockets of certain persons who had received a lease of them from a former Bishop their relative. This was a position of things which certainly required to be dealt with efficiently, but it was an abuse which the severance of the Bishopric would in no way remedy. In the same way, there were in Flint and Denbighshire, three other parishes, whose tithes, amounting to 1,770*l.*, were leased to the relatives of former Bishops, leaving but an inconsiderable sum to the present Bishop. In the whole dioceses of St. Asaph and Bangor, the number of Benefices, amid a population of 350,711, was 258, of which no fewer than 113 were under 200*l.* a year. The total revenues of the church in that diocese amounted to 83,964*l.* of which 18,324*l.* was appropriated to the support of the Bishoprics, cathedral dignitaries, and to sinecures; leaving 65,635*l.* for the parochial benefices. The united incomes of thirteen sinecures in St. Asaph diocese alone, amounted to upwards of 4,000*l.* per annum. The tithes of thirty-eight parishes were wholly or in part appropriated to the Bishoprics of St. Asaph and Bangor, which parishes contained a popu-

lation of 53,062—more than one-seventh of the whole population of North Wales. Again, take the case of the Isle of Anglesey. The county of Anglesey contained seventy-eight parishes, with a population of 50,000; there were seventy-eight churches and chapels in which divine service was performed, and there were only fifty clergymen appointed to officiate in these seventy-eight churches. The consequence, as stated by competent authorities was, that there were about thirty cases in which two churches were served by one individual; nay, there were cases in which three churches were consigned to the care of one clergyman; in a few churches divine service was performed on alternate Sundays only, and scarcely fifteen out of the seventy-eight churches, had two services performed in them on the Sabbath. The tithes of eight parishes with a population of about 12,000, or one-fourth of the whole island, with eight churches, were annexed to the Bishopric of Bangor: the annual value of the tithes was 2,215*l.* Four curates performed the duties in these parishes, and received from the Bishop 582*l.* So again, the extensive district of Towyn in Merionethshire, including four parishes, with an area of forty-seven square miles, and a population of 4,651 souls, was annexed to the See of Lichfield and Coventry, and two-thirds of the tithes of the parish of Carnarvon, with a population of 7,642 belonged to the Bishopric of Chester. In fact, while the population of the diocese of Bangor amounted to 153,344 souls, 38,006 souls (being about one-fourth of the whole number) were residents in parishes of which the tithes were respectively appropriated to the Bishoprics of Bangor, the Bishoprics of Lichfield and Chester, and two colleges at the Universities of Oxford and Cambridge—while the united income paid to the resident clergy of those parishes amounted only to 3,057*l.* per annum. This was a state of things which ought certainly no longer to continue, and he trusted that their Lordships would see the propriety of taking immediate steps to make the property of the Church in North Wales subservient in its just proportions to the due maintenance of that working clergy which had so long been deprived of it. It had been said, let only one of the proposed two Bishops have a seat in their Lordships' House, but this appeared to him to be a proposition fraught with much danger. He had himself indeed, heard several warm friends of the Church say, that after all, perhaps it would be better were some of the Bishops permitted to devote the whole of their time to their spiritual charge; but it seemed to him that were the question once raised whether any of the Bishops might not advantageously be relieved, as the phrase was, from their Parliamentary duties, consequences of a dangerous and unconstitutional nature might very probably be apprehended; for when he heard persons express a desire to withdraw the Church from all connection with the State, and propose that it should secede from secular duties, it always appeared to him that there was another proposition behind the ostensible one, a proposition, namely, an intention to place the Church above the State; and this was a proposition which he should ever determinately oppose on constitutional grounds, and more especially, for the safety of the Church itself. The more the Church and State were mixed up together—the more the Bishops, the more the clergy at large were taught to consider themselves as Members of the commuuity, and to perform their equal share of its civil functions, subordinately only to their own peculiar duties—the better for the Church; and, on the other hand, most injurious and dangerous would it be for any party to attempt to set up the Church as a separate body, distinct from, apart from the State—and, in the next step, above the State, by reason of its sacred functions.

The Earl of *Powis* said, that he had felt it to be his duty previously to the introduction of the Bill, to communicate with his noble Friend (the Duke of Wellington), and since the second reading, he had further communicated with the noble Duke on the subject of the Royal consent being given to the measure, and that the noble Duke had informed him that it was not his intention to oppose the progress of the Bill unless material alterations were made in it when in Committee; but that he would take an opportunity of expressing the intentions of the Crown at a future stage. With respect to the argument of his noble Friend (Lord Monteagle) who had just sat down, he did not think that it was fairly introduced by him upon the measure at present before the House. He (Lord Monteagle) objected to the income of the Bishops of North Wales arising from tithes. Such was, more or less, in

almost every diocese the source from which a considerable part of episcopal incomes was derived. But the objection of his noble Friend came whimsically from him who had been himself, if his recollection was correct, in office, and a Commissioner when the Act passed which transferred these incomes from the Bishops of North Wales to the Episcopal Fund. His noble Friend objected to this proceeding as altering a Statute lately enacted. An Act would be equally necessary to repeal the Act referred to, and to apply the surplus episcopal income as advised by his noble Friend; and redeem it from the power of the Ecclesiastical Commissioners. When the tithes were in the hands of their own Bishops, these revenues found their way back to the Principality, but it would be a very different thing when they were in the hands of an Ecclesiastical Corporation from whom it would be idle to expect any return of income. In parishes with which he (Lord Powis) was much connected, a large portion of the tithes were taken away by a college at Oxford, and he did not wish to see such means of disposing of the tithes of the parishes of North Wales increased. If his noble Friend intended to alter this state of things did he intend to limit his alterations to the episcopal tithe-holders of North Wales alone, or to extend it to the Sees of Lichfield and Chester, and other collegiate foundations which derive their income from North Wales tithes. If the evil was to be remedied, let it be met upon its own merits, and not confined to the Principality alone, but extended to the whole country, to England as well as to North Wales. Though such a reform might be very desirable, it would be difficult to carry it into execution, and his noble Friend was too well acquainted with Parliamentary practice not to know that to introduce his recommendations into the present Bill would be tantamount to ensuring its rejection in the other House of Parliament. Its appearance there, the Bill having assumed the character of a money Bill, would be to secure its being thrown upon the floor as interfering with the privileges of the House of Commons. During the discussion respecting the two Sees of St. Asaph and Bangor, there never had been an occasion (and he said it to the honour of the Clergy of both Dioceses) in which individual and pecuniary interests had less operated upon the Clergy, or been put forward by them; and he was convinced that if application were made to their individual interests, and they were told that they would derive pecuniary benefit from the destruction of one of the Bishoprics, one and all would openly and directly declare, that whatever inconvenience poverty entailed upon them, they would rather continue to suffer that inconvenience, than be made the excuse for inflicting on North Wales the serious evil of diminishing the number of her Sees and thereby of depriving the country of the benefit of episcopal superintendence. He hoped that the Bill would be allowed to pass the Committee, and he would only say, with regard to the recommendations and wishes of the noble Lord, that if he would introduce a measure for relieving the Principality from any existing grievances no man would be more ready to enter into the consideration of it than himself.

The Bishop of *Bangor* wished to set the noble Lord (Lord Monteagle) right as to one matter, respecting which he laboured under a mistake. He had represented the tithes as having been abstracted from the local clergy in order to make part of the revenues of the Bishops. This was a mistake. They were tithes anciently appropriated just like other impropriate tithes; they had not been taken away from the local clergy; they were ancient appropriations belonging to the archdeaconries of Anglesea and Bangor, and were attached to the Sees they at present belonged to by Act of Parliament. In England tithes had been similarly appropriated and let on beneficial leases. The tithes in question were never let, but the Bishop received them just as a lay impropriator received them. With respect to this Bill, he knew that the clergy throughout Wales was almost unanimous in opinion that the Bishoprics should be preserved, and that it was the general wish of the inhabitants of the two dioceses.

The Bishop of *Salisbury* thought that some parts of the speech of the noble Lord opposite deserved consideration. But he would remind the House that the recommendation of the Ecclesiastical Commission, of which he had been a member, had been given ten years ago, but had not yet been acted upon. He agreed with the noble Lord that a Bishop of Manchester was much wanted, but if such a Bishopric were so necessary, could not the Government, with the co-operation of the Houses of Parliament, find means to procure it? In the progress of years, new divisions of

the dioceses would always be wanted, but the want of new Bishops formed no ground for the destruction of old Bishoprics. He trusted that their Lordships would pass the present measure, and that whatever question might incidentally arise upon the subject of tithes, in connection with it, they would not allow those difficulties to interfere with its success.

The Bishop of *Norwich* could give his testimony that throughout Anglesea and North Wales, there was a loud and general complaint of the unjust appropriation of the tithes, and of their alienation from the support of the local clergy: and he felt assured that his right rev. Brother must be deeply distressed at receiving such tithes. The feeling of the principality on the subject was so decided that he (the Bishop of Norwich) believed that a great part of the dissent which prevailed there was attributable to the alienation of tithes from the Clergy. There could not be a more objectionable mode of deriving an income than when it was derived from the tithes of a parish which you are conscious ought to be paid to the parish clergyman. He was sure his right rev. Brother must feel, as he (the Bishop of Norwich) should assuredly do under similar circumstances, some hesitation in calling to account pluralists and sinecurists within his diocese, knowing that they might turn round and say that, in his own case, the tithes of so many parishes went to swell the income of his See. He rejoiced at the notice which this subject had received, for he saw in it the sure prospect of justice to the clergy of the diocese in question. At the same time he looked forward to the establishment of a Bishopric in Manchester. Look at its population. He was surprised, after the recommendation of the Commissioners that the wealth of Manchester had not come forward with a voluntary tender of an amount sufficient to endow a Bishopric. It would not be an item worthy of consideration compared with the vast wealth of that town. But, if they did not come forward, as he thought they ought to do, there was a resource of 10,000*l*., which might be appropriated to the purpose of establishing a Bishopric in Manchester. A right rev. Friend near him intimated that it was not so; he hoped, however, that he was wrong: at all events, he should look forward from the debate of that evening to a revival of religion in Wales, and to the prospect of the clergy of North Wales again possessing their rights.

The Bill went through Committee, and was ordered to be read a third time on Monday.

BROTHELS, &c., SUPPRESSION BILL.] The Order of the Day for the House going into Committee on this Bill, having been read,

Earl *Fitzhardinge* said, he wished to make a few observations before the House went into Committee on this Bill. When it was referred to a Select Committee of that House, he had the honour of being a member of that Committee; but he did not long continue so, for he withdrew, thinking that the Committee were not pursuing a proper course; he would—

"——— nothing extenuate,
Or aught set down in malice."

but he could not help saying that he thought the Committee pursued a wrong course, when they refused to go into evidence on the subject. He divided the Committee on the subject, and they thought otherwise; but he thought it desirable that they should have full information before they proceeded to pass an Act which contained some very stringent clauses—not that he was one of those who gave way to morbid feelings upon the punishment of criminals. He did not fear the effect of legislative enactments to check crime, if they legislated upon such subjects on sure grounds. He proposed no other test than that which he would have required himself, viz., he would have inquired what prohibitory clauses had been put into leases to prevent the evils complained of. On his own property, he had no prohibitory clauses in his leases, but then there were no brothels. On the property of the Marquess of Westminster, prohibitory clauses had been introduced; on the property of the late Duke of Dorset they had also been introduced. Now, he held in his hand the copy of the prohibitory clause in a lease of the Dean and Chapter of Westminster, taken from a lease in 1841; but there was no prohibitory clause against brothels. Other nuisances were prohibited, such as the making of tallow and glue, but not brothels. He had also a copy of the prohibitory clause in leases of the property of a most rev. Prelate the Archbishop of Canterbury. He did not know whether the right bank of the river was defiled by the same im-

purities as the left bank, but he did not find that brothels were amongst the nuisances forbidden. But he would take no unfair advantage. After it was decided that no evidence should be called, he directed his agent to call on Mr. Vincent, the agent of the Dean and Chapter of Westminster, to inquire if there were prohibitory clauses in their leases against brothels, and the answer which had been given was, that in some of the leases the prohibitory clause against brothels was inserted, but in others it was not, that it was not the practice to insert in ancient leases, but only in the modern. His agent was referred for further information to the Bishop of Gloucester. Now, it was said in the Committee, and it had been also said elsewhere, that he had made an accusation against the Dean and Chapter of Westminster, but he had not made any accusation at all—he knew nothing of them—he wanted to know something, and that was the reason why he moved for evidence; he told them when the accusation was made, and he knew nothing of it himself. If this subject was fit for legislation, it was necessarily fit for examination. If they would look into a sewer they must expect to find a certain scent; and he must say that he thought they had been rather too hasty in their legislation. It was said that he had made an accusation against the Dean and Chapter of Westminster; but he would repeat that he had not done so. He would, however, now make an accusation against them, and he would say that the brothels within two minutes' walk of that House, on their property were still extant, and he would give his authority to their Lordships. [The noble Earl then mentioned several houses and streets which were notorious.] He had no great reason to doubt the accuracy of this information; for it was given to him, not by any schismatic or anonymous writer in a newspaper, but by the vestry-clerk of the parish of St. Margaret's. They might legislate on the subject if they pleased, and he would not oppose their going into Committee upon the Bill before the House; but if the statement of Mr. Rogers, the vestry clerk, were true, he thought they were rather premature in legislating on this matter. He would beg to call their Lordships' attention to the third Clause in the Bill:

"And be it enacted, that any person who shall knowingly participate, directly or indirectly, in the profits arising from the keeping of any brothel, or who shall on any pretence directly share or become a partner with any prostitute in the wages of her prostitution, shall be liable to be proceeded against and punished in the same manner in all respects as hereinbefore authorized with reference to the keepers of brothels."

After what he had stated did anybody mean to say that the Dean and Chapter of Westminster were ignorant of all this? Did they not then come within this very Clause? If their Lordships legislated at all, let them legislate fairly. Let them not attack consequences without examining first into causes. Let them not satisfy themselves with lopping off twigs, but let them lay the axe ro the root of the evil. If they passed that Bill, knowing that the Dean and Chapter had been breathing the air of prostitution, and sharing the very wages of public infamy, he would tell them that they would not deal out even-handed justice unless they brought in a Bill of pains and penalties against the Dean and Chapter of Westminster.

The Bishop of *Gloucester* said, he was sure that their Lordships would lend an ear to a member of a body against whom there had been dealt out very large, loud, and he must say, intolerable accusations. From the tone and manner of the noble Earl it appeared that his temper had been greatly moved by what had passed the other night. He (the Bishop of Gloucester) did then complain, as he might now, that he had received no notice of the intention of the noble Earl, nor had any person connected with the Dean and Chapter of Westminster; otherwise he should have been provided with those details in a manner fitted to be laid before their Lordships. At that time, however, he could only state everything he knew, or had heard, or could recollect upon the subject; which was, that two years ago it had been communicated to him, for the first time in his life, that there stood upon the property of the Dean and Chapter of Westminster in the Almonry houses of ill-fame, and he mentioned the matter to the proper authority immediately, urging that steps should be taken at once for the removal of that nuisance, which he saw was so discreditable to a religious and learned body. Their Lordships would recollect that he also stated that all the property was under leases of forty years, and their Lordships were well aware that during the currency of those leases it was impossible for the

Dean and Chapter to take steps against the possessors, provided the conditions of the leases were not infringed. He had heard with satisfaction that a resolution had been taken long ago that those leases should not be renewed, and that they were in course of expiration. It was right to say for himself that, though he had been for many years a member of the body, he had never taken any part in the management of the property belonging to the Dean and Chapter, his time was entirely occupied by duties of another character, and more appropriate—duties which he could exercise with more benefit to the Church. The property of the Dean and Chapter, though very trifling as compared with that of the noble Earl and many of their Lordships, being of a scattered and complicated kind, it was thought better to leave its management to two or three members of that body, or even to one only,—to the Dean, who was more properly vested with the charge and attention to all that concerned the credit, respectability, and honour of the body; and he was glad to say that he could at this time give his confidence to the present Dean of Westminster, a gentleman whom he had known from his earliest youth, and of whom he could say that there lived not a man of purer mind, or one more incapable of encouraging, or profiting by, or tolerating such abominations as those described by the noble Earl. He said also on the occasion previously alluded to, that he had the satisfaction of learning, that not only had some of the leases expired, but that the Dean and Chapter had purchased some of the unexpired terms, and had pulled down some of the houses. Now, he was assured by those who best knew the detail of the subject, and to whom he had referred, that his statement was substantially correct; and had he gone further the statement would have told more creditably even than that to the Dean and Chapter, for not only had they expended their money in purchasing the unexpired terms of some leases, for the sole purpose of suppressing these nuisances, but they had also, under the power of a private Act of Parliament, expended considerable sums of money in purchasing freehold land in the vicinity on which stood houses of the same description, because they felt that the mere suppression of such houses on their own ground would not be of any benefit to the community if their inhabitants could immediately take refuge in the vicinity. He was not aware that in what he had said he was guilty of any inaccuracy. He understood that the houses were let on lease for forty years. But if he had received due notice he should have told their Lordships that a great many leases, not one only, were let upon similar terms, and that the Dean and Chapter, when aware that houses of an improper kind existed, had in every instance refused to renew the lease. Though the property seemed to be of considerable extent, its value was small, being situated in the lower parts of Westminster; and their Lordships might be assured it would be much more agreeable to the Dean and Chapter to possess property in other parts of the town,—in Berkeley-square for instance, where they could command the most respectable tenants in the kingdom. But there was a matter which the accusers of the Dean and Chapter had kept out of view, and when he said accusers, he meant the noble Earl and the newspapers upon which he built his faith, that was, that those leases were frequently under-leases, and that there was very great difficulty indeed in exercising that influence of property of which the noble Earl spoke in such cases; though it might happen, and did happen in the cases under consideration of which he had spoken, that the immediate tenants were respectable persons, but that the property had got into the hands of under-lessees, over whom there was no means of exercising a salutary control. However, the present state of things was this: several of these leases (the whole number of which was considerable — he believed between a dozen and twenty—some of them comprising a good many houses) had already fallen in—the forty years had expired; others had been bought, and as to others, the Dean and Chapter were at that moment in negotiation for the purpose of purchasing them, and pulling down or shutting them up. Some had been pulled down and others had been shut up; one in particular he was told was formerly held by Caxton, the celebrated printer. The noble Earl stated the other night that he grounded his accusation upon the fact that it had been made two years and a half ago in a newspaper, and had never been contradicted; and that the noble Earl repeated with much emphasis. Now, he (the Bishop of Gloucester) must complain of that reasoning. If it was to be held that an accusation was true because it was made anonymously in a newspaper, he wished to know which of their Lord-

ships or what number of the community would be safe? Most happy must the noble Earl be if he had passed through life unassailed by slander: but it was surely an untoward and tyrannical doctrine that a person should be considered guilty of a charge made in a newspaper, because he had not chosen to come forward and defend himself from an anonymous accusation. He would add one thing more—it was not always possible to do it—contradictions of anonymous calumnies might be sent to newspapers, which if they had an object in view—that of writing a person down, as it was termed—they would refuse to insert; though, to be sure, generally speaking, they might be printed in the form of a paid advertisement. But the truth must be told; the noble Earl was far too hasty in his reasoning and conclusions. He also omitted, no doubt through forgetfulness, to acquaint their Lordships what newspaper it was that he rested upon. Their Lordships might suppose that it was one of those papers which might come under the eyes of the Dean and Chapter, and therefore they would be obliged to know of the accusations. But he (the Bishop of Gloucester) had found out what paper it was — it was a paper called the *Patriot*. [Earl *Fitzhardinge*.—"No. no."] I have the paper in my pocket.

Earl *Fitzhardinge*: I made no charge on mere newspaper authority; and I now make the charge on the authority of Mr. Rogers, the vestry-clerk of the parish of St. Margaret. It was not in that paper that I saw the statement; it was in the *Examiner* of the 18th of December, 1841. I never saw the *Patriot* in my life.

The Bishop of *Gloucester* believed that the explanation of the noble Earl would not very much alter the state of things. But he held the *Patriot* newspaper in his hand, a paper which was devoted to the most bitter and rancorous attacks upon the Established Church of this country, which paper contained the statement. But the noble Earl dwelt much on the circumstance that the accusations had not been contradicted. It did so happen that they were contradicted in two respectable newspapers, the *Morning Herald* of the 16th of January, 1843, and the *Standard* of the 18th of January, 1843, and they were contradicted not anonymously, as the charge had been made, but with the name of a respectable member of society attached, Mr. Hunt, a house-agent and surveyor, who was employed by the Dean and Chapter in surveying these houses and property, and his statement was a very satisfactory contradiction. Had the noble Earl been aware of the fact, he would not have read with so much glee as he did the statement of the atrocities which the Dean and Chapter tolerated. He said that in Pye-street there were forty brothels, and in Orchard-street thirty, most or all of them being the property of the Dean and Chapter. Now, what was stated upon the plain authority of a man of business? There were two streets in Westminster, at right angles with each other, called Great Pye Street and Little Pye-steet, but in neither one of them did the Dean and Chapter possess a single house. So much for the accuracy with which the noble Earl's statements were made. But why was this bitter attack made upon a body which, at least, were entitled to respect and decency. A few years ago it was found, and complained of loudly, that a house which the Dean and Chapter had leased for forty years as a dwelling-house, had been converted into a Dissenting meeting-house. When this lease came to be renewed, the Dean and Chapter inserted a covenant that the premises should not be occupied as a Dissenting meeting-house, and they inserted similar covenants in other leases. *Hinc illæ lachrymæ*! Hence all the rancour which they had been subjected to. In future they would take care also that a covenant (thanks to the noble Earl for his suggestion) should be inserted in their leases to prevent the evil complained of; and the first time he was present at a Chapter meeting he would recommend it to the body to which he belonged. Their attention had been anxiously directed to this subject—they had done all that they could do to remedy it, and much as the noble Earl had said about love of lucre, and of the money the Dean and Chapter put into their pockets, the wages of prostitution, as he was pleased to call it, he should observe that a very slight inspection of the accounts respecting those leases, the fines received for them, and the money paid for purchasing the remaining terms, would make it appear that the Dean and Chapter had not profited at all, but had rather been losers by the property. He could not help again saying to their Lordships that he did think it would be a proper, as well as courteous practice, whenever attacks of that kind were to be made, that previous communication should be given to the parties who were to be at-

tacked, in order that they might be prepared to answer, for when persons so attacked replied upon the spur of the moment they were liable to be charged with inaccuracy, and, in fact, could not be expected to be sufficiently informed so as to give a complete answer, which he trusted he had now done. From his own personal knowledge of course he could not speak, but he rested upon the statements of persons of veracity, and not upon anonymous paragraphs in newspapers, as the noble Earl had done.

Earl *Fitzhardinge:* No, no! I found my accusation upon the authority of the vestry-clerk of St. Margaret's, and not upon anonymous papers. His name is Rogers.

The Bishop of *Gloucester*: The noble Earl has told the House what Mr. Rogers states; but not that the property is under the control of the Dean and Chapter of Westminster. That very day being quarter-day, the Dean of Westminster had sent notices to parties to quit houses belonging to the Dean and Chapter, in order that inquiries might be made as to the respectability of their houses, upon which some suspicion had been thrown; because their Lordships must be aware of the exceeding difficulty of obtaining respectable tenants in a neighbourhood which laboured under the disadvantage of a bad name.

The Bill went through Committee, and the Report was ordered to be received to-morrow.

House adjourned.

HOUSE OF COMMONS,

Monday, June 24, 1844.

MINUTES.] BILLS. *Public.*—2°· Education.

Reported. — Copyholds Enfranchisement; Dissenters Chapels; Detatched Parts of Counties.

3°· and passed :—Salmon Fisheries (Scotland).

Private.—1 Ayr Bridge (No. 2).

2°· Stone's state; London and Croydon Railway (No. 2); Great Southern and Western Railway (Ireland); Irvine's Estate.

Reported. — Marianski's Naturalization; Holmfirth and Dunford Roads; Monkland Railways (No. 2); Wishaw and Coltness Railway.

3°· and passed :—Rochdale Improvement.

PETITIONS PRESENTED. By several hon. Members (10 Petitions), against Dissenters Chapels Bill; and by Dr. Bowring, from Newcastle, in favour of the same.—By Lord Ashley, from Banchory, for Legalizing Dissenters Marriages (Ireland). — By several hon. Members (7), against Union of St. Asaph and Bangor.—By several hon. Members (35), against Repeal of the Corn Laws. — By Viscount Duncan, from Printsellers of Bath, against Art Unions.—By several hon. Members (4), against Bank Charter Bill.—By Lord Ashley, from Glasgow, Neilston, and Cathcart, for Extending Factories Act to Bleach Works.—By Lord Ashley, from W. A. and M. A. Thompson, for Limiting Hours of Labour.—By Sir W. Somerville, from Drogheda, for Amendment of Municipal Corporations (Ireland) Act. — By Mr. B. Denison, from Thorne Union, and Sir J. Hanmer, from Kingston, for Alteration of Poor Law.—By Lord Ashley, from Bolton, Manchester, Dundee, and Leamington, for better Regulation of Tailors Trade.

POST OFFICE—OPENING LETTERS.] Mr. *T. Duncombe* rose to present a Petition from Mr. Charles Stolzman, a Pole, complaining that letters addressed to him are secretly detained and opened at the General Post Office, and that this system of espionage is carried on to so great an extent that he cannot any longer with confidence and security avail himself of the sacred privileges hitherto supposed to belong to Her Majesty's General Post Office, and praying for inquiry. The hon. Member said he thought he should be able not only to satisfy the House that it was of the highest importance to the happiness and comfort of the community that the correspondence between man and man in a free country should be held sacred, but also to satisfy them that the personal wrongs of which this petitioner complained were of such a nature and of such a character, that the House would not refuse to afford him immediate redress. On a former occasion, when he called the attention of the House to this subject, it appeared that the grievance of which the then petitioners complained was supposed to be removed by the withdrawal of the warrant which had been issued by the Secretary of State for the Home Department for opening the letters of one of them. The Secretary for the Home Department did not then inform the House which of the four gentlemen who had addressed the House it was for the examination of whose letters at the General Post Office he had issued a warrant, but only said that it was with reference to one of the four that he had issued the warrant. When he asked the right hon. Gentleman to state which of the parties it was for the examination of whose letters the warrant had been issued, the right hon. Gentleman positively declined. He then stated that he believed he could, and accordingly he did, supply the omission of the right hon. Gentleman, by stating that it was the correspondence of Mr. Mazzini, a highly respectable gentleman, resident in this country, but having the misfortune to be an Italian refugee. He should like to ask the right hon. Gentleman, if he had presented a petition singly and solely from Mr. Mazzini, what

his answer would have been; and he again put the same question to the right hon. Baronet which he had put before—whether he were aware that Mr. Mazzini's correspondence had been opened at the General Post Office, and whether that proceeding had his sanction? because he conceived it must have been the same sort of answer as the right hon. Baronet had given when he said that a warrant had been issued. The right hon. Gentleman sheltered himself under a sort of mystery and silence, merely saying a warrant was signed, but you must find out for which of the four." Now, then, here was the case of one petitioner, Mr. Charles Stolzman, an officer of artillery in the Polish service, who complained that his letters were opened without any reason whatever, as he had never interfered with the politics of this country, or been engaged in any treasonable correspondence whatever. Whether the right hon. Baronet would screen himself behind the same sort of official solemn silence he knew not, but he trusted that the House would ascertain whether the great and enormous power which he admitted to be vested in one of Her Majesty's Principal Secretaries of State was abused or not. When his hon. Friend, the Member for Kinsale, asked what was the construction put by the Government upon the existing state of the law—whether they considered it only necessary that there should be one general warrant for opening all the letters of individuals; or whether they put this interpretation upon the Act of Parliament, which he believed to be the strict and correct interpretation of the Act, that there ought to be a separate warrant for the opening of each letter?—the answer of the right hon. Baronet was, that he must firmly but respectfully decline to answer any question on the subject. If a Secretary of State, or the Government, were justified in screening and sheltering themselves behind this official secrecy, he wanted to know what became of that responsibility of which we heard so much when any measure was submitted giving more extensive powers to the Secretary of State or the Government? He had heard the right hon. Baronet talk of that responsibility when the Poor Law Bill was under discussion; and, last year, when the Chelsea Pensioners Bill was proposed, the answer was, as it had invariably been, and always would be, that the Secretary of State in his place in that House, was responsible to Parliament, and could always be called upon for an explanation of his conduct, if it was thought that he had abused his power. Well, then, he now called upon the right hon. Baronet to explain the manner in which this grave and important power with reference to the Post Office had been exercised, and he maintained and was ready to prove, that the power which was entrusted to the Secretary of State was intended merely to be a security against disorder and treason; and he maintained that there was no pretence for violating the correspondence of Mr. Stolzman or of Mr. Mazzini, or the other Gentlemen, according to the acknowledgment of the Secretary of State. He (Mr. Duncombe) had before stated that he believed not one out of every 10 or 20,000 people in this country was aware of this power being vested in the Government, but he believed if he had said that not twenty people in the whole country were aware of such a power being possessed by them, it would have been more correct. In another place great judicial authorities were ignorant that such a power existed, and they put the same construction upon the Act of Parliament as his hon. Friend the Member for Kinsale. According to the strict letter of the law, it required, a separate and distinct warrant for opening any particular letter of any particular individual. This grievance now presented itself to the House and the country in two points of view. First, had the Government adhered to the strict letter of the law in ordering, if they had ordered, the letters of Mr. Stolzman, Mr. Mazzini, or the other individuals, to be opened? Had they violated or transgressed the strict letter of the law in issuing the warrant, or if they had not transgressed the letter of the law, had they or had they not abused the power vested in them, by opening these letters at all? He maintained that they had done both. He said that the Government had transgressed the law. He charged the Government with having done that—with having transgressed the law, and abused the power vested in them, and the Government ought not to shrink from it. It would not satisfy the public for the right hon. Baronet to stand up in his place again and say, "Respectfully, but firmly, I decline to answer the question." It must be observed that Captain

Stolzman was a friend of Mr. Mazzini, and the opening of the letters of these two Gentlemen was part of the same system. He might admit that the Government should have the power of opening the letters of suspected persons in cases of internal sedition, or the letters of persons who had absconded from justice. But when the people looked to these cases they would think that the advantages and benefits of that power were not counterbalanced by the abuses of it, and would say with him that it ought to be abolished. In the case of Mr. Mazzini there was no ground for interference. This country had nothing to do with foreign powers, or their squabbles with their subjects, as long as those subjects conducted themselves peaceably and properly while residing in this country. The following letter had been received by him from Mr. Mazzini:—

"The warrant had been in operation against me at least since the beginning of March, sixty or seventy letters addressed to me have been opened, coming from perhaps twenty-five or thirty different persons, every care taken to avert suspicion, impressions of the seals taken, the cut sometimes so delicate that it almost required a magnifying glass to follow its trace, a double stamp invariably applied to alter or make illegible the mark of the hour at which the letter reached the General Post Office, and to conceal the delay. The first month or the first week of the system must have proved to the Home Office that neither England nor English safety was concerned in the correspondence. The suspicion must, therefore, have been continued for the sake of only a foreign power. The coincidence of these facts with the beginning of the agitation prevailing in southern and central Italy, affords another proof. There appeared in the *Milan Gazette* of the 20th of April last, and a few days before in the *Suabian Mercury*, an article saying that 'the English Cabinet had addressed to that of Vienna promises extremely satisfactory concerning the agitation prevailing in Italy, and especially in the territory of the Pope; that besides formally protesting against all suspicion of sympathy with Young Italy and its political tendencies, the Government of Great Britain, going still further, was anxious to put an end to the agitation; and in order to afford a direct co-operation towards that object, the English Government would put a stop to all agitating proceedings from the exterior, beginning with Malta; that as to the Italian exiles in London, hospitality would be confined to the mere limits of duty; that Mazzini would cease to be a person unknown to the London police.' A short time after that the *Augsburgh Gazette* said, that 'to escape the strict watch of the London police, Mazzini had fled to Portsmouth,'—false of course. I have, Sir, tried, and will try, to fulfil my duty towards my country, as an Englishman would do towards his own country; but I challenge any Secretary of State, past, present. and future, to bring forward, not a proof, but a single slight indication, of my being, or ever having been, connected with English affairs, or any of the English political parties in existence.

"Joseph Mazzini.

"To T. S. Duncombe, Esq., M. P."

If that were true, and he believed every word of it, he wanted to know what pretence or right they had to open the letters of Mr. Mazzini and Captain Stolzman? Not only had the Government opened these gentlemen's letters, but he would undertake to prove that other person's letters had been most unscrupulously opened, not only in London, but in different parts of the country, within the last two years, under the orders of the present Government. Did the Government think that the public would be satisfied under such circumstances with flimsy pretexts. Did they, when the Duke of Bordeaux was over here the other day, open his letters? He wanted to know did they open his letters? No doubt it would be agreeable to Louis Philippe to know what was in those letters. Perhaps the right hon. Gentleman did open them. In all probability they sought to curry favour with Austria. But what had they to do with the Pope? They had no diplomatic relations with the Pope. And yet they were told by Mr. Mazzini that they opened his letters to gratify the Pope; he wanted to know, if they would not dare to open the letters of the Duke of Bordeaux, why should they so presume to open the letters of an individual, comparatively humble, though Mr. Mazzini was a man of eminent qualifications, who conducted himself peaceably. He meant, then, to ask for inquiry into this subject. He was satisfied that the Secretary for the Home Department was the very last person who ought to, or would, refuse it; for it was due to his own character—it was due to the character of the Government not to refuse inquiry, nor on such an occasion to rely upon the majority that sometimes supported it. It could not be said that any man was safe, unless they knew how this power was exercised. It had, in a former debate, been said, that which was morally wrong could not be politically right. The right hon. Gentleman the Secretary for the

Home Department, had rather disputed that position of the noble Lord. Who was to be the judge, he asked, of that which was morally wrong? He thought the right hon. Gentleman had some reason in his argument, then, on the factory labour. Here, however, there could be no question as to what was morally wrong. He would defy any man to have a doubt about it. What had been done? Both fraud and forgery had been committed, and unless fraud and forgery were morally right, he would claim the support of hon. Gentlemen opposite on this occasion. What had they done? They took men's letters, read and examined them, kept copies of them, then re-sealed and re-enclosed the originals in such a manner, that the unfortunate individual was not aware that the Government was in possession of his family secrets. He believed that much odium might have been removed if individuals had been apprised of what had been done—if the letters had been stamped on the outside "opened by authority." He would ask the hon. Baronet if he dare use information thus obtained in a court of justice in a trial for any political offence, as sedition or conspiracy. If the right hon. Baronet attempted to do so, he believed judge and jury, and every individual in the court, would unite in taking the right hon. Baronet by the head and shoulders, and turning him out of that court. The question was, had not the Government exceeded and transgressed the letter of the law, and abused the power which the law has invested in it? He contended that they had done both these things; he contended that they had abused that power—the almost sacred power vested in it by Parliament, of opening letters of individuals. If they had not done so, they need not shrink from inquiry before a Committee. In 1735 a Committee was appointed to inquire into some abuses which had occurred in franking letters, and certain abuses of the Post Office department. The appointment led to the same sort of discussion which was now taking place. Several Members complained of their letters having been opened, the intention being to discover whether any treasonable correspondence was being carried on against the Government; and it appeared that the practice of opening letters was so well known, that no man would ever attempt to carry on such a correspondence in that manner. Sir Robert Walpole at first opposed the appointment of the Committee, but afterwards granted it, on condition that they should not inquire into any thing that would tend to discover the secrets of the Government. Now he did not want to know the secrets of the Government—he doubted if they were worth knowing—but what he wished to inquire into was, whether the Government had abused the powers intrusted to it. He should therefore move that,

"The petition of Charles Stolzman be referred to a Select Committee, for the purpose of inquiring into the circumstances under which letters have been secretly opened, delayed, or detained at the General Post Office, since the 1st of January last; also into the forms in which warrants for that purpose have been issued, and the mode in which they have been executed and obeyed: the said Committee to report thereupon to the House; together with their opinion as to the expediency of making any alterations in the law under which the secret opening, delaying, or detaining of post letters is conducted."

Dr. *Bowring*, in seconding the Motion said, that a very grave responsibility would rest on the right hon. Baronet the Secretary of State for the Home Department if he resisted this Motion, and a little consideration would point out to him that the credit of the Government itself would be damaged by that resistance. He hoped that it would be withdrawn, if the right hon. Baronet did not desire to be considered as an Italian *sbirro*, or if the Government were not indifferent to the imputation of being a *Cabinet Noir*. Let the Government bear in mind how much its reputation would be damaged by refusing protection to those exiles who came over here in search of an asylum. What must be the feelings of such men, who came here in admiration of our institutions, to find those institutions turned against them, and they themselves placed in peril of their lives by one who, once at the head of a rebellion in his own state, was now the irreconcilable foe to all who sought to improve the political condition of his kingdom? He (Dr. Bowring) was one of those who believed that the greatness of this country depended, in a considerable degree, on the confidence which foreigners believed they might repose in its people when once thrown on their protection. Public opinion in the present case would not, he believed, be satisfied by the explanation here given, or by the

assurance that the objectionable warrants were no longer in existence. The grievance complained of should not only be removed, but means taken to prevent its recurrence. The right hon. Baronet in being instrumental, if such were the fact, to copies of correspondence stopped in this country becoming known abroad, was not perhaps aware of the extent of the misery to which he might be a party. He did not perhaps estimate how much the reputation of this country and its Government would suffer in the eyes of Europe by its becoming the willing tool of those Governments which were everywhere resisting the tide of human improvement.

Sir *J. Graham*: I can assure the House that I am by no means disposed to underrate the importance of the question now brought under its notice. I must say that, although on a former occasion I returned my thanks to the hon. Member for Finsbury for the fairness of the course which he had then taken—I cannot on the present occasion return my thanks to him for the adoption of a similar proceeding. I received from the hon. Member a notification, which I hold in my hand, to the effect that at the meeting of the House to-day it was his intention to present another Petition complaining of letters being opened at the General Post Office, and that he would do so as soon after half-past four o'clock as he should find a convenient opportunity. But he gave no notification whatever with respect to the nature of the complaint, no specification of the name of the party complaining, and no information as to the course which he meant to pursue. Until, therefore, the hon. Gentleman rose to address the House I had no knowledge whatever of the contents of the Petition which he has presented: and much less was I prepared for his making a motion, not with reference to a particular complaint only, or to the individual whose Petition he was presenting, but with reference to the general power vested in the Secretary of State to issue warrants for the detention of letters at the General Post Office. The hon. Gentleman assumes the fact, he assumes it boldly, that in this case a warrant has been issued; and the Motion rests upon that assumption. Now I beg the House to draw no inference from the course which, in conformity with my sense of public duty, I intend to take upon this occasion. From the notice given to me on a former evening I have gravely reflected on my duty with respect to complaints of this nature. No public servant has greater respect for public opinion than I have; but at the same time although it is my sincere and ardent wish to stand well in the opinion of my fellow-countrymen, yet holding a high and responsible office by the favour of my Sovereign, and being maintained up to the present time in the execution of the duties of that office by the confidence of this House, not for the sake of my private character, not for the indulgence of my private feelings, do I hold that I should be justified in making any abatement whatever from the uncompromising discharge of a duty, which I deem to be, not only conducive to the public good, but necessary for the maintenance of the public security. After reflecting upon this matter I have come to the conclusion, that while the law vests in the Secretary of State the power of issuing warrants of this description, it is not consistent with the public interest that he should answer in his place, in the House of Commons, interrogatories such as those which the hon. Gentleman has thought fit to put. On a former occasion I firmly refused—although not, I hope, in a manner of which the House could complain—I firmly refused to state in what cases warrants had been issued. There were four complaints; and I said that I might have given an evasive answer which would have left the inference that in none of the four cases had a warrant been issued. But I spurned any such evasion, and I thought it was my duty not to blink the fact that in one case out of the four I had issued a warrant. I refused, however, to go any further; and I say that the House and the country must not draw any inference in this case if I persevere in the same silence and reserve. The assumption of the hon. Member for Finsbury in the case of Captain Stolzberg is, that a warrant has been issued. To that assumption I do not hold it to be consistent with my duty to say "aye" or "no;" but I beg the House not to draw any inference from my silence that I have issued any such warrant. I stand upon the ground that the authority is vested in the Secretary of State by Act of Parliament. The assertion of the hon. Gentleman who has made the Motion is, that I have transgressed the law—that I have violated either the letter or the spirit of the Act of Parliament. The hon. Gentleman said he believed this was the fact; he had said more—he said that he could prove it. Now if the hon. Gentle-

man can prove that letters have been improperly detained or opened at the General Post Office, the Act of Parliament expressly declares that any person so opening or detaining letters is guilty of a misdemeanor, and that person may be indicted. If I have violated the law, or exceeded my duty, let the hon. Gentleman take the legal course, and let him put me to the legal proof that I have not transgressed the law or exceeded the power vested in me. If any individual has been guilty of a misdemeanor let that individual be prosecuted. The tribunals of the country will do justice between the parties, and the individuals so convicted will be liable to punishment. [Mr. *T. Duncombe*: A penalty of 20*l.*]—I beg the hon. Member's pardon. The party so convicted is guilty of a misdemeanor—as great a misdemeanor as the law recognises, and is liable to fine and imprisonment. The Secretary of State, too, if he transgresses the law, will also be amenable to the civil tribunals. Sir, I absolutely demur to entering into any explanation on the subject. I demur even to a Committee of this House as a tribunal before which to prosecute such an inquiry. I say the hon. Gentleman may institute legal proceedings against the individual who detained the letters without the authority of the Secretary of State, and if the Secretary of State have violated or exceeded the law, he also is responsible to the injured laws of his country. The hon. Gentleman, I think, intimated that party jealousy had nothing to do with this question. I am quite confident that such is the case, and I appeal to both sides of the House whether it is not so regarded? The question is—has the law been violated or not? I can state this—and I state it boldly—that the power exercised by me has existed ever since the Revolution; that it has been in constant use since that time and from a long antecedent date; and whenever I have exercised it, I have exercised it in the accustomed form. I have in no degree departed from the usage sanctioned by the highest constitutional authorities who have been my predecessors in office. In the most solemn manner I give my denial to any exercise of authority on my part contrary to the Act of Parliament. I acted on the best advice. I say that to the best of my judgment, under difficult circumstances, I have acted in conformity with the law, as I understand it. My conscience is pure in this matter, and in the discharge of my public duty I consider it a solemn and imperative obligation to demur to a public inquiry of this kind on the part of the House. It will therefore be my duty to resist the Motion of the hon. Member.

Mr. *Macaulay* could assure the right hon. Gentleman that it was his intention to look at the Motion then before the House as any thing but a party question, and to discuss it without the admixture of any thing like party views; but he must at the same time observe, that the topics here presented were such as he could wish might be avoided; for, he must say, that the language and the manner of the right hon. Gentleman were not those of a man who was conscious of the very peculiar position in which he was placed. Even if the right hon. Baronet had the power, and said that the power was necessary, and that in these cases it had been properly used, still it was a power that it was most odious to use, and for which strong reasons ought to be given; for, even if the power were necessary, still it might be obvious that it was one singularly abhorrent to the genius of the English people. The power here exercised was one which the House had, in cases of necessity, entrusted to the Government; but then it was a power that the House was bound to watch how it was exercised, and in which they ought to know precisely what had been done; the nature of the warrant; how often such warrants had been issued, in which, too, they ought to be told the course of proceedings that had been adopted. This was a case, beyond all others, in which the Minister ought not to think he had done enough to satisfy a House of Commons, by merely saying that he had the power; he had exercised it; he was responsible for the exercise of such power; but he would give them no account of the manner in which he had exercised it. That was to encourage the suspicion that the power had been abused, because he could not see, and this he said without casting the slightest imputation on the right hon. Baronet, he could not see how so considerable a power as this entrusted to a Minister and exercised by him, could be used, without the Minister deeming it to be proper to do something more than this, or only thinking that it would be sufficient for him to say, that "he was responsible." Now, he thought, that where there was such a power exercised, the question was not to be so treated. They had then the fact as to such a power existing, and then came a very serious question upon this most important Motion of the hon.

Gentleman the Member for Finsbury, calling upon them, amongst other things, to appoint a Committee to inquire into the present law giving that power. Now, he begged to say, that for the present state of the law neither party of that House was answerable. Both parties had received it from their ancestors—both parties, when in power, had used it—and he did not impute to either the having used it dishonestly or oppressively; but now, he said, since their attention had been called to this power, it could not, without very great modifications, be permitted to last. He began by saying that he defied any person to show him the difference between a letter of his being taken from him when in the Post Office, and a letter taken from him out of his desk. He defied them to show how the public safety could justify any more a letter of his being taken out of the post-bag than it could justify its being taken out of his desk. Why was the letter put into the post-bag, except for the purpose of being transmitted to the person to whom it was destined? It was given to the Post Office, and for the purposes of revenue a monopoly was given to the Post Office. The sole purpose was the safe transmission of the letter: but the turning the Post Office into an engine of the police, was, he said, utterly abhorrent to the public feeling. Let them only consider, if there was a single reason for examining letters to or from him in the Post Office, which was not good and valid for examining letters that he had in his desk; let them take it that there was a treasonable plot—the most treasonable ever thought of: the letters might contain treason. Then the treason could be as well discovered in the letter in his pocket, as the letter when transmitted. As to the inconvenience, it was the same to him in both cases, and the plea for both was the public necessity. It was the same whether a person's correspondence was examined before it reached him, as after it had reached him. There was no difference as to the injury done to him. If the public danger was the same, the inconvenience to the individual was the same. Then, why make the distinction? He knew that in cases of suspected crime the letters could be examined and produced in a court of justice, whether taken in transit or in the person's pocket. But then, if a letter were delivered and they took it wrongfully, they would be liable to an action for damages; and if they used violence, they would be severely punished. Thus, in the case of Mr. Wilkes, when his letters had been seized, and carried to Lord Halifax and the Under Secretary of State, he brought an action for those letters being wrongfully seized and without probable cause, and the result was, that he gained his action, and they were obliged to pay, by the verdict of a jury, 1,000*l.* damages. That was what he called Ministerial responsibility. He wanted to know, when a letter got to Mr. Mazzini, if it was so sacred that it could not be touched, and yet before it came to him that it could be examined—that, upon the most vague suspicion, fifty or a hundred letters could be thus stopped, and yet Mr. Mazzini never know whether they were examined or not. If it were possible to show him that the examination of a letter before it arrived was less injurious to the individual than the examination of it in the desk after it arrived, then he would give up the argument. It was idle to tell him that this was necessary; for worse things than this might be done, and sustained on the same plea. The fact was, the whole of the arguments in favour of the practice belonged to a class which the sense of the country had repudiated long ago. The question was not whether there were advantages in the spy system; for that had been decided by their ancestors long ago. They were not now to determine whether they were to adopt the practice of employing spies, as was done by foreign governments. And what difference was there between their having spies upon words spoken, or words written? In common fairness, he said it was no difference to him between a government breaking the seal of his letter in the Post Office, and the government employing a spy to poke his ear to the keyhole, and listen to the conversations he carried on. They might regard it necessary to the public safety to do this—to say that such a person was suspected, and that they had one of his servants feed to betray him. They might allege the same excuse for the police reading letters, as for listening to conversations; and there might be some advantage in this. There could be no doubt there might be an advantage in breaking open letters. No one denied it; but then was it fitting that it should be done? In the same way, did any one doubt that there was an advantage in having police spies? But then the country did not approve of them. The French had an advantage in having police spies. No one doubted that the spy system enabled them to bring to

justice many who must otherwise have escaped. It was the same thing as to torture. There could be no doubt that as long as the English law sanctioned the use of the torture a great many crimes were detected by it. It had, too, its advantages. —[*Cries of* "Oh, oh."]—Yes; for the instant that Guy Fawkes was shown the rack, out came at once the entire story of the gunpowder plot. Even this torture, as well as the spy system, had these advantages, but then this country had determined long ago that such were pernicious, debasing, and dangerous modes of maintaining its institutions. Their ancestors declared that they would rather take the risk of great crimes being committed, than owe their security to that system or those means, which would destroy the manly spirit of the people, on which far more reliance could be placed than all the schemes and decrees that could be invented for maintaining their greatness and independence as a nation. He did not, he again repeated it, mean to affirm that there had not been a fair intention in the power that had been exercised, but then he could not but see that the use of the power must have pernicious consequences. Suppose a Minister were to say, "Since I have been in office two letters have been opened at the Post Office. One was opened in reference to questions of great importance regarding the public peace; another as it was supposed to be of a nature to throw great light upon the Exchequer Bill Case." Information of this kind, given by a Minister of the Crown, would have a great effect in quieting the minds of the public. But the right hon. Gentleman having refused to give any information of the sort, forced on the conviction that this practice had been carried on to a very great extent by him, and under peculiar circumstances of concealment. He could never believe, that if the right hon. Baronet could have denied the charge that seals had been counterfeited and stamps replaced, in order to conceal the opening of the letter, he would not have been glad to have done so. The right hon. Baronet must know that unless protected in particular cases, the power exercised by the Government, and the practice of counterfeiting seals and replacing stamps was a *malum in se*, as well as an infraction of the Common Law of the land. The right hon. Baronet admitted that being empowered by this Act of Parliament to do acts which were illegal at Common Law, he had authorised the opening letters at the Post Office, detaining some, and sending on others, taking care, however, to disguise the fact that they had been opened; yet he would not satisfy the House and the country by telling them how often he had done this; nor the circumstances under which he had done it. The right hon. Baronet would state neither the grounds upon which he acted; nor would he allow them to see the warrant which he had issued for the purpose. When he saw this, he (Mr. Macaulay) asked whether the House of Commons was not entitled in a case like this, to take steps for a further inquiry? He had put the case hypothetically; he could do nothing else; he was enforced to to do so, for the right hon. Gentleman would tell them nothing of the facts of the case. Two years ago the manufacturing districts were in a very excited state, there was a great deal of violence used, and attempts made to keep people from going to work. He could not forget that whilst these things were going on, an assertion was very generally put about that these troubles were got up in an underhand manner by certain Gentlemen belonging to the Anti-Corn Law League. Now, this suspicion existing, what evidence was there to be obtained in support of it; what proof so easy for a Government to obtain as by opening the letters of the Gentlemen, many of them Members of this House, known to be most prominently connected with the affairs of this society. He was not a member of the Anti-Corn Law League, he was not one of its representatives in this House. But, as a Member of Parliament, he wished to learn whether the right hon. Gentleman the Secretary of State might not, on some occasion like this, think it his duty as a principle to open all the letters of some thirty or forty most hon. Gentlemen, representatives of the people in this House, some having reference to important public affairs, others filled with the secrets of their respective families. Now, as far as regarded Englishmen, the hardship of the case only went so far as this, that his secrets were read by public officials; but the case was a very different one in regard to the unhappy foreigner. They could not hang an Englishman, whatever his letters might contain, without the ordeal of a Judge and Jury; but with respect to foreigners, he really did wonder that men who assumed to be so humane as hon. Gentlemen opposite, should think so lightly of the consequences of this sort of procedure. Some unhappy foreigner came to our free

land, and relying upon the supposed good faith of the English Post Office, he writes to his friends with greater freedom than he would otherwise have done, or than he would ever do abroad. Then came the Secretary of some Foreign Embassy to the Secretary for the Home Department, applies for information as to the contents of the letters of certain parties, information which receiving, he sends over to the native Government of the unhappy foreigner, who carefully lays it by. No evil consequences result to the unfortunate writer whilst he remains in this country; but at length, unconscious of what awaits him, he goes back to his native land—he actually walks into the lion's mouth, in a land where there is no jury to protect him, and upon evidence got up in this manner he would be consigned, perhaps, to the inside of a dungeon, for life. He believed that the House would admit that he had never been one to indulge in this House in reflections upon the institutions or internal affairs of any foreign country whatever. On the contrary, he thought that as a rule the tone and manner of the House, as of the Government, ought to be marked with something of the respect and decorum of diplomatic procedure. But whilst they did not set themselves up as judges upon neighbouring governments, at least let them not set themselves up as their spies. This he must say, that if the continuance of this power in the hands of our Government would lead to such applications from foreign powers, for the revelation of the contents of letters passing through our Post Office, he thought the only course would be to repeal this law altogether. For he thought it might sometimes be putting a Ministry into a very awkward position, if they should have to refuse to the Minister of a foreign friendly power information of this kind, which he said he required for the interests of his Government. He thought if this practice were found to exist, that it would be better to enable a Minister to say at once, "Parliament has not given us power to do what you ask us to do," than to run the risk of giving offence by saying, "We have the power, but we do not choose to exercise it in your case; all that can be done in the matter must be done with such publicity as will give an injured, helpless man, an equal chance of redress and justice being done him." His feeling upon this subject was so strong, that even if the Motion of the hon. Gentleman had gone much further than it did, if it had been for leave to bring in a Bill to take this power from the Secretary of State, he would have cordially voted for it; but, as it was, he would cordially give his vote for the Motion for a Committee to inquire whether this power had been properly exercised or not.

Captain *Bernal* was not aware whether any hon. Gentleman on his side of the House was satisfied with the ghost of an explanation which the right hon. Gentleman had given on this subject; he, for one, could not pretend to be; nor could he bring himself to give his vote upon this occasion without notifying to the public his extreme dissatisfaction at the monstrous doctrines propounded by the right hon. Gentleman in the course of that explanation. He had always understood that it was the proud distinction of this country, that no one should be liable in it to the petty espionage which went on in Foreign States. He was truly disappointed to find that the contrary doctrine was now maintained. He certainly was not surprised at the conduct of the right hon. Gentleman opposite; recollecting, as he did, an observation which had fallen some time back from a noble Colleague of his, the noble Lord the Secretary for the Colonial Department, that "a Government to be loved must first be feared"—knowing the influence which the noble Lord possessed over the right hon. Gentleman, he certainly was not surprised to find that he now acted upon that doctrine. But there was one point of view in which he thought it was very proper that this matter should be considered. If the public gave the monopoly of the conveyance of letters to the Post Office, it was under the consideration that they would enjoy equal security as if they were conveyed by other means. Now, he thought that after the way in which this power of opening letters appeared to be exercised, it might be very proper to consider whether the monopoly of the Post Office ought not to be withdrawn. From what he heard, he believed that not only had this power been applied to the letters of some foreigners, but that the letters of some Irishmen had also been opened. It was all very well for the right hon. Gentleman, covering himself up in the tattered garment of his public virtue, to refuse explanation upon these charges, and content himself with saying, "*sic volo, sic jubeo*," but would the House or the country be satisfied with such a manner of meeting a

question of so much interest and importance? There was another fact bearing upon this subject to which he would refer before he sat down. In the course of the debate the other evening, in reference to the case of Count Ostrowski, it was alleged that some of the papers of that gentleman had not been returned to him; to which Her Majesty's Government replied that every paper had been returned. Now there were grounds for the belief that the case was not so; and, indeed, that one very important paper had not only been withheld from Count Ostrowski, but had been given up to the Russian authorities.

The Earl of *Shelburne* said, that the right hon. Gentleman opposite had said in the course of his speech, that if any person thought himself aggrieved by the opening of his letters at the Post Office, it was competent to him to proceed at law against the authorities, and compel them to produce the warrant under which they had acted. Now, if there was no difficulty in the production of the warrant by the Post Office, he could see no reason why letters which were opened, under due authority at the Post Office, should not be forwarded to their destination opened, or at least with an intimation written or stamped upon them, that they had been opened. The contrary was the practice at present, great care being taken to conceal the fact of the letters having been opened. But he thought that the course he suggested would be the most manly one, and most satisfactory to the public.

Sir *R. Peel* said, there is one remark that has been introduced by the hon. and gallant Member who has just sat down upon which I wish to say a word. The hon. Member has attempted to introduce a case which has no immediate bearing on the one before the House, and he has introduced it in a manner calculated to create an undue prejudice; but, as it appears to me, without any foundation whatever. He referred to the case of the Polish nobleman, Ostrowski, and he says he has every reason to believe that the papers belonging to the gentleman have been detained by the police, and not returned to him. Sir, I can state, upon the authority of my right hon. Friend, that no authority was given by him for the detention of any paper—that he instituted a most rigid inquiry among the police, and the result of that inquiry was that he had every reason to believe that every paper found in the possession of that gentleman was subsequently delivered up to him—that every paper, without exception, was restored to him—that there was no obstruction or no detention of, nor no communication of any paper found upon that gentleman to any foreign diplomatic agent, or any other person whatever. So far as my right hon. Friend's authority is concerned he can speak upon it conclusively, and so far as his information goes, founded upon the inquiries instituted, I believe what I have stated to the House is perfectly correct. In the course of the debate hon. Gentlemen have dealt very largely with assumptions as regards the powers of the Secretary of State. Hon. Gentlemen have assumed that my right hon. Friend has spoken of that power as if it were of a trivial nature and to be exercised without a serious and deep feeling of the responsibility to be attached to it. Sir, there was not one word that fell from him that could justify such an assumption. My right hon. Friend said that he as Secretary of State was invested with a power by law, which not only authorised him, but called upon him to exercise it from considerations of public duty, and which led him to think that it was necessary for the public interests that he should exercise it; but he never said a word which would countenance the impression that he did not attach the utmost importance to the exercise of that delicate power, and which was invested with the greatest importance and responsibility. The right hon. Gentleman says he assumes that the power has been very generally and universally exercised, and on what ground does he found that? What are the facts before the House? We had a petition the other day, and a petition to-day, and my right hon. Friend comes down to the House to-day without knowing even the name of the party from whom the petition emanated. The hon. Gentleman gave notice that he should put a question as to the opening of letters, but he did not give notice that he would present a petition, nor the name of the party from whom it emanated, and the hon. Gentleman concluded his speech with a Motion of which he had never given the slightest notice. What are the facts? A petition was presented the other day from four individuals, each asserting that his letters were opened at the Post Office. Another petition is

presented to-day from an individual whose name is not mentioned to my right hon. Friend. Now, it is quite clear that three out of the four whose petitions were presented the other day entertained impressions that were utterly unfounded, my right hon. Friend having distinctly stated that with respect to three out of the four individuals he had issued no warrant authorising the opening of their letters. My right hon. Friend was afraid — and there perhaps he erred—that if he stated that which he might literally and with perfect truth—that the allegations in the petitions were unfounded—he was afraid that it might be inferred that he had denied the statements contained in all of them ; and therefore, in admitting that the allegations of three out of the four were unfounded, he thought there might be some unfairness in not admitting the fact with regard to one, and allowing the House to draw an inference from his general denial, he frankly admitted that with regard to one there had been a detention. My right hon. Friend declines to make any admission as to the facts upon which he proceeded, but he asks the House to draw no inference from his silence. Only a few days since three individuals made the same statement, and he states that these individuals, so far as he is concerned or knows, were under a completely erroneous impression. He says there was one warrant issued for the examination of these letters, and therefore my right hon. Friend is warranted in stating, "although from consideration of public duty I cannot make any admissions, I ask the House not to draw any inference from my refusal to answer the question." Such are the facts—what is the law of the case? The power of ordering the opening of letters in the Post-office was conferred upon the Secretary of State by an Act passed in the reign of Queen Anne; and seven years ago, when certain alterations were made in the arrangements of the Post Office, not by the present Government, but by a Government of whom the noble Lord the Member for London was the representative in this House, this power was retained in the consolidated Act then passed. In my opinion that Government was justified in retaining the power they did. They amended those laws, and the late President of the Board of Trade introduced the New Post Office Act as it now stands, retaining the provision nearly in the same words as it was in the Act of Anne. I think, Sir, my right hon. Friend was perfectly justified in respect of the exercise of such a power to decline entering into explanations. If the House thinks that the power ought to be extinguished, let it be done by a motion, of which notice is given, or by a Bill for the repeal of that part of the Act introduced by the late President of the Board of Trade. The speech made by the right hon. Gentleman opposite (Mr. Macaulay) was such as well might have prefaced a motion for the repeal of the Act introduced by the late President of the Board of Trade, but scarcely applies to the present question. My right hon. Friend stated, and I think he was perfectly justified in so doing, that he should not enter into any details, and upon that it is assumed by the right hon. Gentleman opposite, that Gentlemen, on account of the political part they had taken in that House, were liable to have their letters opened. [*Cheers.*] Oh! doubtless this assumption is very convenient, because you think it likely you can extract a denial in this case; and you assume that if you can get a denial in one case you will have established a president by which it can be asked for in every other, so that every gentleman who finds his letters detained may present a petition to this House and ask the Secretary of State if they have been detained by his cognizance, or whether he has issued a warrant to sanction them being opened. It is clear that on this occasion my right hon. Friend is labouring under difficulties, not on account of what he has done, but from the position in which he is placed, and from the duties assigned to that position. That which it is important to state has been stated by my right hon. Friend, viz., that he has not introduced any new practice with respect to the opening of letters, and that he has not carried the practice beyond that which was pursued by Mr. Fox and Lord Grenville, when they preceded him in the functions of his office. He has acted in conformity with the law, and he has not carried the powers of the law beyond the usage up to the present time. If the House choose, in consequence of the inability which my right hon. Friend's public duties impose upon him, of entering into the details sought for, to accede to the Motion for a Committee of Inquiry—if they think it right to take that course, of

course they can do so; but I think it would be a course highly inconsistent with justice to individuals, and most pernicious to the public interests.

Lord *J. Russell* agreed in much that had fallen from the right hon. Baronet who had just sat down, in objecting to the manner in which this subject had been brought under discussion on the present occasion; but at the same time, judging from all that had taken place, he did not think that any difference in the mode in which it had been brought forward, or that any more formal notice of the Motion intended to be made would have led to any more satisfactory result. The right hon. Gentleman (the Secretary for the Home Department) acted upon the resolution which he had adopted on a former occasion, of refusing to give any information in the matter. As to the law and practice of opening letters at the Post Office, for both were now called in question, the right hon. Gentleman said, that the whole question was, whether he had exceeded his legal authority in what he had done. Now he did not understand that this was the question which the House had now before it. So far as the legal power went, he certainly understood, having held the office now held by the right hon. Gentleman, that the Secretary of State had the power to issue a warrant for opening the letters of certain individuals where occasion of public requirements seemed to call for it. He might have been mistaken in the interpretation of their law; but such had been the interpretation of it before the right hon. Gentleman came into office, and the right hon. Gentleman had gone upon the same interpretation of it since. With regard to the reasons which should lead to the exercise of this power, he certainly thought that the power ought to be given as it now was exercised, at the discretion, and under the responsibility of the Executive Government, or that it ought to be withheld altogether. With respect to the suggestion of a noble Lord who had recently spoken, that a mark should be placed upon every letter that had been opened, intimating that fact he thought that it could not properly be adopted: because, if the practice was to be of any use, it must be in this,—namely, the discovery and defeating of conspiracy. Now, supposing that a person had written a letter to another, intimating that a rising was determined upon in any part of the country, and that he could next week give information when it was to take place; of what use would the information obtained by the Government be if the first letter was sent to the correspondent with an intimation that it had been opened? The parties would thus be put upon their guard, and the object of the Government to defeat the conspiracy would not be attained. It was obvious that this power could not be made use of in times of danger if it were saddled with these restrictions. Now, with respect to the law itself, it was stated by Sir Robert Walpole that the power given by it was to be used in times of public danger, and he at the same time stated fairly the grounds upon which it ought to be used. Sir R. Walpole gave as an instance the case of the Bishop of Rochester, Bishop of Atterbury, whose plot were mainly carried on by means of correspondence through the Post Office, and copies of which were afterwards produced against him. Now, he thought, that the right hon. Gentleman opposite should also on the present occasion, have taken a similar course to that adopted by Sir Robert Walpole, and that without stating what had been his conduct on particular cases, he should have stated the principle upon which he considered this power ought to be exercised, namely, for the prevention of public danger, whether at home or abroad, and whether for the discovering and defeating of conspiracies at home in regard to this country, or in regard to foreign states. In such a course he thought the right hon. Gentleman would be perfectly justified in acting; and in the situation which the right hon. Gentleman occupied, it was for him to judge whether the public danger, under the apprehension of which he acted, was imminent or not. But the right hon. Gentleman took no such ground, and had not given the House an opportunity of judging whether this power had not been used in the way alleged—namely, to enable foreign governments to persecute individuals of their subjects. He thought that this would have been a most unjustifiable exercise of the power reposed in the right hon. Gentleman, and if the right hon. Gentleman had said that he had not acted upon such a principle and with such an object, he should not have thought it necessary to have voted for a Committee on this subject. But if the right hon. Gentleman did not think he could make this

declaration, it would not have been beneath him or unworthy of him, to have consented to this enquiry. He recollected an instance, when Lord Melbourne was in the Home Office, when an inquiry was instituted into the conduct of a person of the name of Popay, who being a policeman, was charged with having joined seditious meetings, taking part in them, and exciting the people to use inflammatory language, in order afterwards to give evidence against them. Mr. Cobbett, upon this subject, at first moved a general inquiry, which was not agreed to; he afterwards renewed his application, and moved an inquiry into the particular case of Popay. Upon this occasion, Lord Althorp stated that private espionage was never the purpose of the police establishment, and that he was sure that the two gentlemen at the head of it would never lend themselves to such a proceeding; that such a proceeding would be quite contrary to the institutions of the country, and that there could be no objection to the Committee of inquiry which the hon. Member asked for. A Commtttee was consequently appointed, who made a Report upon the conduct of this person, and afterwards a Motion was made upon the subject in this House. Now did the Government of that day consider that this was a Motion against themselves? Did they use any of their authority to quash or impede this proceeding? They did no such thing. Why they felt there would be an end of the principle of the responsibility of a Government if there could be no inquiry. A government might always content itself with saying, "We will neither affirm nor deny certain allegations—we will not explain anything, because we know we have such a majority in this House that we can quash and defeat all inquiry." This would be to keep the House and the country in ignorance of facts, and thus to escape responsibility. For his part he did not know whether the right hon. Gentleman was at all to blame on this occasion, perhaps he was no more so than Lord Melbourne was in the case of Popay. But when Government set itself up upon the principle of refusing all inquiry, they put an end to all the grounds upon which they should enjoy the confidence of that House. With respect to the Motion for a Committee on this subject, he thought it one much too important to be discussed in this incidental manner. In 1837, when this Act was introduced, he thought it a power which the Government should have; but that was not the question at present. The question was, whether Her Majesty's Ministers having refused to give any explanation of their conduct in the exercise of this power, the House should not interpose its authority to insist upon inquiry.

Mr. *Milnes* was sorry that the right hon. Gentleman had not thought it consistent with his duty to state to the House that he had not communicated to the Governments of any foreign powers any facts which might have come to his knowledge in this somewhat uncommon manner. If the right hon. Gentleman had done so, he would have satisfactorily met the objections of hon. Gentlemen opposite; but, though the right hon. Gentleman had not thought fit to do so, he could not vote for the Motion of the hon. Gentleman opposite for he thought it important that all matters of this kind should remain in the full secrecy of the Executive, and that all information obtained in this manner should be for their own use and conduct, and should not be communicated to any other parties. He was strongly against a public Committee, which would bring to light many private matters which at present were confined to the knowledge of the constituted authorities. He objected to the course proposed, because it might have the effect of depriving the Government of a power which they ought to be possessed of, to be used in cases of great emergency and difficulty. He, therefore, if his right hon. Friend would give them to understand that the power had not been exercised in this instance for the purpose of affording information to foreign powers, should think the question would at once be decided satisfactorily to all parties.

Mr. *Sheil*: There is an obvious distinction between the course pursued by the last and the present Government. My noble Friend the Member for London admits that when he was Secretary for the Home Department, warrants were granted for opening letters, but did he ever refuse an inquiry into the circumstances under which these warrants were issued? Had a case been brought before the notice of the House like that which has been presented to it by the Member for Finsbury, the noble Lord would not have shrunk from investigation. The Prime Minister has stated, that his right

hon. Friend was conscious of his responsibility—but to whom is he to be held responsible? He is, it seems, to account to himself, and to be amenable to no other tribunal than that which is erected in his own breast. It is to the House of Commons that every Minister is responsible. I know of but one exception—the Horse Guards are not, it is held, within the jurisdiction of the House of Commons, the military branch of the Executive has been considered to be beyond the cognizance, for special reasons, of this House. The Duke of Wellington may indeed play the part of Achilles, "*sic volo, sic jubeo, stat pro ratione voluntas*," may be more appropriately adopted by the great warrior as the maxim by which his proceedings should be regulated. But to the Secretary of the Home Department, the same lofty impunity is not to be conceded. Suppose that it is right that this prerogative should be vested in the right hon. Gentleman, it by no means follows, that this House should not inquire into the manner that prerogative has been employed. Make a Minister irresponsible, and you may be sure that he will become arbitrary, capricious, and regardless of public opinion—but let him be answerable to the House of Commons, for the employment of the power with which he is entrusted, and that power will be cautiously used, and only in cases where its use is justified by the peculiar circumstances to which it is applied. How has this power been employed by the right hon. Gentleman? If my hon. Friend, the Member for Finsbury, had merely alleged that letters had been opened at the Post Office under a warrant from the Secretary of State for the Home Department, and had stated nothing more, if he had not relied upon any circumstance which should induce the House to believe that an important privilege had been abused, it might be reasonably contended that there was no sufficient ground to conjecture that any departure from propriety had taken place. No case for an inquiry would have been made out—but when the Secretary for the Home Department is charged with having perverted a prerogative committed to him for the suppression of treasonable conspiracies against the State, and with having abused a most questionable privilege, for purposes wholly unconnected with the original object of the law, and when the Minister refuses explanation of every kind, it becomes a matter of most serious consideration for the House of Commons, whose rights and duties are fully as important as the functions and the prerogatives of the Home Department, whether they are not entitled and were bound to inquire whether a Minister appointed by the Crown, but responsible to the country, has been guilty of a gross violation of his duty. The accusation preferred against the Secretary for the Home Department, is not vague or indefinite. He is charged with having clandestinely opened the letters of an Italian gentleman, at the instance of a foreign Government. The letters of Italians, living under an Austrian despotism, and addressed to their political asciate who has found a refuge here, have been opened and read, and their contents have been communicated to those for whose sake this breach of trust has been committed. In the Milan newspaper reference is made to this fact, and it is stated that Mr. Mazzini is under a peculiar surveillance. If this be true, it is not at inquiry that this House should stop; nothing can be more discreditable. In the efforts of Italy to throw off the ignominious yoke under which she groans, we ought not to interfere — a British army need not be sent to Ancona —but I do not hesitate to say, without hazarding a contradiction from any man whose contradiction is of value, that Englishmen ought to look with a feeling of sympathetic solicitude in the glorious endeavours of the men who, animated by the same passion for liberty as yourselves, have perilled everything dear to men in a cause which disaster may befal, but to which disgrace cannot attach. To that disaster we ought not, at all events, to become contributary, by means utterly at variance with the finest characteristics for which Englishmen are renowned. So utterly repugnant are the instincts of Englishmen to the practice imputed to the right hon. Baronet, that when it was alleged that these misdeeds had been committed at the Post Office, that report was at first incredulously heard—the people of this country could not believe that anything had been done in England which was so unworthy of England, and which appertained to the *mouchard* system of continental surveillance—but indignation has succeeded to incredulity, and that that indignation is well-founded, there is

too much reason to believe. It is not to the North of Italy that this surreptitious scrutiny is in all likelihood confined—the patrimony of St. Peter, the dominions of his Holiness the Pope, are in all probability under the care of the Home Department. Better have a *nuncio* at once, than that this clandestine intercourse with the Vatican should be carried on. But the compliances of the Home Office are not limited to the Austrian Ambassador; to the complaisance of the right hon. Baronet Russia has an equal claim. Letters addressed to unfortunate Poles, who have found a refuge in this country, have been broken open. Poland has been abandoned: she is bound hand and foot, and the boot of the Tartar is on her neck, but let us not accumulate the shame that belongs to the violated Treaty of Vienna, by betraying the kindred of many a wretched exile to the resentment of the most inexorable of mankind. But these, it may be said, are the mere fictions of a malevolent and factious fancy. Say so—if in all this there be not the word of truth, say so—plead "not guilty," instead of demurring to the jurisdiction of the House of Commons, and relying upon that sort of confidence which results, not from your personal merits, but from a Clause in an Act of Parliament, behind which you are entrenched. I would not trust any Minister of the Crown with the power of opening the letters of foreigners to oblige a foreign Minister; and if the letters of Englishmen are opened in times of internal peril, the exercise of the right ought to be open and avowed. I very much doubt whether that right is at all required. England does not stand in need of such expedients for her safety; not upon such expedients as these—not upon practices which are abhorrent from our habits, and which reduce an Englishmen in his self-esteem—not upon Fouché espionage—not upon the opening, the re-sealing, and the perfidious transmission of letters with a falsehood stamped upon them—not upon such expedients as these, but upon the rational loyalty of Englishmen to the Throne—upon the personal attachment to the Sovereign—upon the value which Englishmen set upon their institutions—upon the love of freedom associated with the love of order, England may depend for her preservation; the miserable privilege, so discreditable to those in whom it is vested, and which is so liable to abuse, ought to be abolished. That which is deemed utterly scandalous in private life, ought not to be tolerated in any department of the State; and from the statute-book which it dishonours, this ignominious prerogative ought to be effaced for ever.

Mr. *S. Wortley*, as the question was to be brought to a division, was anxious to explain the reason why he should without any hesitation give his vote in favour of the Government. Were he to do otherwise, he should think he was giving his countenance to those unwarrantable assumptions which had formed the staple of the accusations which had been brought forward against the Government. It had been admitted by all the hon. Gentlemen opposite who had spoken, that on the present occasion they were not called upon to decide as to the policy or necessity of the law under which the Government had acted. Whether the power which the law gave had been in this instance properly exercised he did not consider himself sufficiently in possession of the merits of the case to say. He conceived he was making no discreditable admission in saying that. This power was one which was seldom called in question, although on serious and important considerations it had been admitted by successive Governments, and he would not at present undertake to say that it might not be a necessary part of the power of the Executive. That, however, was not the question at issue. The question was, whether the House should support the hon. Member for Finsbury in his demand for a Committee to inquire into the exercise of this power in the specific case which had been made the subject of accusation against his right hon. Friend, the Home Secretary. Now, in considering that question he had a right to ask himself whether such a fair and legitimate presumption had been raised as to the conduct of his right hon. Friend as would justify him in supporting the Motion; and he was bound to say, that in his view, no such case had been made out. He felt convinced that his right hon. Friend desired to execute the power of his high office in such a manner as would enable him to stand with perfect justification before the House and the country, and he could not for a moment suppose that he had, in the exercise of those powers, transgressed those recognised and acknowledged rules alluded to by the noble

Lord, the Member for London, which all the right hon. Gentleman's predecessors had acted up to the present time. But he maintained, supposing there was anything in the charge which the hon. Member for Finsbury had brought forward, though he did not admit there was, the proper course had not been taken in coming to the House in the first instance. His right hon. Friend had pointed out that, if the parties complaining felt aggrieved, the courts of law were open to them to remedy the injury. If the House were to accede to this demand, and consent to the appointment of a Committee, then no one act could be performed by a Minister of his own responsibility, and in pursuance of the great and necessary powers vested in him by Parliament which might not form the ground of a similar appeal. The power entrusted to the Government of dispensing the secret service-money was in many respects analogous to the power now in question, and if the present demand were admitted, how could they resist any application for inquiry into the application of any part of that fund.

Mr. *Wakley* said, the hon. Gentleman who had just sat down had commenced by saying that he would explain the reasons why he intended to vote against the Motion, and then with unusual candour he acknowledged in the next sentence that he did not know anything of the merits of the case. The hon. Member persevered in his course, and resolved not to know the merits of the case. The hon. Member was consistent in giving his vote, for he refused to acquaint himself with the case, or to permit the House to become acquainted with the facts. The hon. Member for Pomfret (Mr. Milnes), the only other hon. Gentleman who had spoken unconnected with the Government, had lamented that the right hon. Baronet (Sir J. Graham) had not assured the House that he had not communicated to the Foreign States interested in the matter the information he had obtained by the exercise of the power in question, [Mr. *Milnes*: That was not what I said.] The hon. Gentleman said he should be glad to know what the right hon. Gentleman had discovered, and if he had communicated it to the Foreign State? He had stated the entire argument of the two hon. Gentlemen who had stood forward as the supporters of the Government. There had been but four speakers against the Motion, and this was the whole of the argument advanced by the only two who were unconnected with the Government. Then came the two right hon. Baronets—the Secretary for the Home Department, who was the party accused, and the Prime Minister—on that occasion not a very happy pair. Since he (Mr. Wakley) had been in Parliament, he had never been so much surprised as by the arguments of the right hon. Baronet, the Home Secretary, and the right hon. Baronet, the First Lord of the Treasury. The First Lord of the Treasury might consider it to be his duty on all occasions to defend his Colleague—if so, he must say that the First Minister of the Crown had not always the most pleasant occupation, and that occupation could seldom be more disagreeable. The manner of the right hon. Gentleman, from the beginning to the end of his speech, showed that the right hon. Gentleman did not like his case; and the manner in which he treated it, considering his great ability in debate, and his undoubted powers of argument, clearly proved that it was a bad case he had to defend. The right hon. Baronet, in the course of his argument, insisted upon one thing, which had previously been referred to by his right hon. Colleague of the Home Office; and it is necessary that the attention of the House should be drawn to it, as it gave a graver character to the subject than when it was first introduced. The right hon. Baronet denied that his right hon. Colleague had notice of the name of the party in the second case. His hon. Friend however, had on this as on the former occasion, informed the right hon. Baronet that he had another Petition to present on the same subject, which he should present that evening. But, said the right hon. Baronet, here you treat me unfairly, here I am taken by surprise; for I have not had the name of the party communicated to me, and, therefore, in pursuance of the course I have previously adopted, I will give no further information in this case. Two Petitions have been presented to the House complaining of those proceedings, one of them containing four names, the other only one. There had been five complaints since the 1st of January, and the right hon. Baronet had given an answer as to four of them; but he complained, because he had not received previous notice of the name of the fifth. Now, he should like to know how

many names had the right hon. Baronet in hand? The right hon. Gentleman the Member for Dungarvon had said, that public opinion was against the practice. Why, public feeling, which might be called public indignation, was against it. He heard it denounced in every quarter and in every house. The people asked what was the House of Commons going to do next; is it about to justify the Minister in opening all our letters. A gentleman—a politician—had said to him, only last Saturday, that he had always considered a Government that employed spies was the most odious that could exist, but he had at length discovered a worse—that was a Government that became spies themselves, and the present Government was clearly becoming a spy Government. Surely nothing could be more contemptible, or odious, or reflect more injuriously on the character of the Government and the country, if such an odious practice was to be tolerated. The question proposed by his hon. Colleague (Mr. T. Duncombe) would apply a test to the House, as to the question of Ministerial responsibility. Ministerial responsibility was a thing he had heard of often since he came into Parliament, but had never found it. He had never seen it, he could not catch hold of it. He begged the hon. Member for Pomfret to apply his mind to the subject of Ministerial responsibility, as it was purely poetical and imaginative—it might be in the clouds, but it was not in the House. On the former evening, when this subject had been under discussion, the right hon. Baronet had admitted that what had been done had been done on his own responsibility. Very well. Next, they had certain persons coming there and saying that in the intricacies of the Post Office their letters had been opened, and presenting a petition complaining of the practice, and the right hon. Gentleman said it was true he had done it; but I shall say no more about it; you may talk about it as much as you like, but we will give you no further information; what has been done has been done on my own responsibility. In ordinary parlance, we understand responsibility to mean that the person responsible is amenable, and amenable to some other authority for any particular act committed in the exercise of that responsibility; but how far was the right hon. Gentleman amenable or answerable to that House? Answers he will give none. The parties who had had their letters opened had all the facts and the reasons for that interference, concealed from them; consequently they could not tell how to make the right hon. Gentleman responsible or amenable for his conduct but by such a Motion as this. But the right hon. Baronet did not like this mode of proceeding, and his Colleagues at the head of the Government was resolved to vote against it, and to carry all his weight against inquiry. Then where was the responsibility? Now, observe: there were two parties concerned in this case—besides the right hon. Baronet, the House, and the public; the parties who employed the right hon. Baronet, whose agent he had been, and the unhappy individuals whose secrecy had been violated. Did they want to avoid inquiry? No, they came and demanded it. These treasonable men, of dishonest, violent, and illegal conduct—they said, "We have done no wrong, we do not fear investigation; we want to expose those who employed your own secretary." Now, he said that the right hon. Baronet had a duty to discharge to these parties, whether criminal or not, and it was due to them to ascertain whether they were innocent or guilty; in the one case, he ought to protect them by proclaiming their innocence, and, in the other, to condemn them by proclaiming their guilt. He wished to know how the right hon. Baronet would get out of this cleft stick? He said it was the bounden duty of the House to insist on this inquiry. The right hon. Baronet had said that he demurred to the tribunal. He remembered that the hon. Member for Knaresborough had also demurred to the House as a tribunal, and he believed the loudest ironical cheer on that occasion had come from the right hon. Baronet the Home Secretary. Now, however, they were both in the same boat, and he would advise the hon. Member for Knaresborough to look out, for it was in a sinking state. He hoped the House would not put itself in the same position; but that it would resolve to maintain the Government in the observance of those securities, and confine them to that practice which had been proved to exist in the Home Office; or they would find

"In the lowest depth, a deeper still."

Viscount *Howick* was astonished at the argument advanced by the hon. Member

for Yorkshire. The hon. Gentleman had asked why had not these parties applied to a Court of Law? his answer was they did not dispute the legality of the Act. It was admitted that the Act of Parliament gave to the Secretary of State the power of issuing warrants of this kind, but what he denied was, the propriety with which in this particular instance that very dangerous power had been exercised. His right hon. Friend, the Member for Dungarvon (Mr. Sheil) had made an appeal to the House, the force of which every hon. Member must have felt. "Were we," asked his right hon. and learned Friend, "to become the spies and agents of foreign powers?" Was a system of that kind to receive the sanction of a British House of Commons. He would call upon them to recollect what they were sanctioning, if they refused inquiry. They not only passed over a case, which in the *primâ facie* view of it, was fraught with suspicion, but they sanctioned the principle laid down and the doctrine contended for by the right hon. Baronet, which, if they passed over in silence, would, he thought, inflict a great blow on the free communication of ideas which had so long been the boast and pride of this country. For what said the right hon. Baronet? A power was given by law, and I will exercise it: but I refuse to tell you in what cases I have exercised it, and on what grounds. Whether in many cases or few, whether on grounds trifling or grave, I will give you, the House of Commons, no explanation or satisfaction. If they once admitted this doctrine, every gentleman who received a letter through the Post Office, would be placed at the mercy of the Government. He did not suspect the right hon. Baronet (Sir James Graham) of issuing a warrant to examine all the letters of his political opponents, as had been suggested. But if the principle contended for were recognized, and if the Minister was to be supported in refusing all explanation, future Secretaries of State might, if they chose, with perfect impunity, examine the letters of their political opponents. The right hon. Baronet refused all explanation, and at the same time he said, that what he had done, he had done upon his responsibility. Why, was it not, as the hon. Member for Finsbury had said, a mockery of words. Responsibility implied, that the parties exercising power should be liable to be called to account for the due exercise of that power. But he went further, and concurred in what had been stated by his right hon. Friend, the Member for Edinburgh. Although he had hitherto been disposed to concur in the continuance of a power which had existed in previous Governments, and had, he believed, been always exercised on principles wholly different from those now contended for—though he had supported the continuance of that power as it had been previously exercised—he concurred with his right hon. Friend (Mr. Macaulay) that the very little advantage that could be obtained from it was totally unworthy of consideration, when compared with the shame which would result, if it were permitted to be exercised in this way. If it were to be exercised at all, let it be done subject to the check of responsibility. Let the power be exercised upon intelligible principles. Let the letters be opened, if necessary, but a power exercised no man knowing how or when, was liable to the greatest abuse. No doubt, as his noble Friend had said, it might not be advisable to put a stamp upon letters that had been opened; but surely it was not creditable to the Government to counterfeit stamps, in order to conceal the fact that letters had been opened. They were told that the safety of the country required the exercise of this power, but the same argument might be urged in favour of the employment of spies. The safety of the country did not depend upon violating the confidence of the Post Office by employing spies. This country was in no danger from secret plots. How was this system to be worked? Was it as his hon. Friend had said, by counterfeiting the seals of letters? It appeared that the letter was opened, the seal counterfeited, and the letter resealed. Now, was there anything in the Act of Parliament that warranted such an act? He believed such an act—whatever might be the facts of the case in other respects—was a gross abuse of the power entrusted to the Government under the Act of Parliament. Could anything be more morally wrong than to counterfeit the seal? Against such a practice he for one protested. He did not know sufficient of the facts to express an opinion as to the case before them. All he could say, was, that as it stood, it was a case of great suspicion; but in voting as he should do, for the Motion of his hon. Friend what he meant

was, to protest against the practice and principles laid down by the right hon. Gentleman opposite.

Lord *Stanley.* It is not, Sir, my attention to enter into any details upon this question, for this is precisely one of those in which Gentlemen in opposition may, if they choose, enlist in their favour the popular sympathy, inasmuch as they have the advantage of holding out arguments of popular policy and popular principles while the Government entrusted with the responsibility of office have in that responsibility fetters imposed upon them, and are precluded, in the due discharge of their duty, from stating the facts and entering into the circumstances of the case. We are, therefore, left in this position—that the House of Commons may, if it think fit, take the facts stated by the hon. Member for Finsbury and act upon the assumptions advanced and the statements put forth by the petitioners in their Petitions to the House. Why, Sir, the hon. Gentlemen opposite have argued as though it had been avowed and acknowledged that the warrant had been issued for the opening of Mr. Mazzini's letters. I know of no declaration on the part of either of my right hon. Friends that could have given rise to such a supposition. My right hon. Friend has stated distinctly all he could state consistently with his duty; though he would not state broadly that there was no truth whatever in the allegations made by any of the former petitioners—he stated that in one case he had exercised the power entrusted to him by law, he refused distinctly to state in respect to which of those individuals that power had been so exercised. The hon. Gentleman (Mr. T. Duncombe) referred to the individual whose Petition was before the House, and said that he knows that person's letters had been opened, but produced no proof whatever of that assertion. But the hon. Gentleman says, give us a Committee to inquire into the allegations of the Petition. Why if we were to allow every individual who came forward and reported that his letters had been opened to come to the House of Commons and say, give me a Committee to inquire into the truth of my charge, and the Minister for refusing his sanction to such an inquiry, is to stand under the imputation of sanctioning the opening—even admitting that the facts were so, which my right hon. Friend has not said, and that a warrant was granted for the purpose, or that he must consent to a Committee to inquire into the practice of a law which no one could say was not of high political importance—if the House of Commons sanctioned such an argument, you might have every day Petitions presented to you of persons complaining that their letters have been opened; and every day the Government might be called upon to answer the question. "Did you, or did you not, authorise the opening of Mr. A's or Mr. B's letters? [An hon. *Member*: And why not?] Sir, I protest against the assumption (for it is no more) that the letters have been opened. The noble Lord opposite says, "We call in question, not the law, but the manner in which it has been executed by you." How do you know in what way it has been exercised? The noble Lord takes upon himself to assert, and that without the shadow of a proof—he takes upon himself to assert, in opposition to the declaration of my right hon. Friend (Sir James Graham), given in his place as a Minister of the Crown—given with a full knowledge of the facts—in opposition to that declaration the noble Lord asserts that the Government have exercised their right in a manner widely different from that in which it was exercised by their predecessors. That was the opening of the noble Lord's speech: he says, "I don't complain of the power you possess, but the mode in which you have exercised it." And my right hon. Friend answers this and says, "How I have exercised that power, in what cases I have applied it, and with regard to what individuals, I will no further answer you in this House, no more than would the noble Lord (Lord John Russell) get up and say, with regard to what individuals and in how many cases it was exercised while he was in office;" and rightly would the noble Lord refuse such information were it asked, and rightly had his right hon. Friend refused it. They would do the same under an equal sense of the pressure of public duty. But my right hon. Friend went further, and said, "I have exercised this power on the same principles and under the same restrictions, and to no greater extent, than it was exercised by preceding Governments, and by the Government of which the noble Lord himself was a Member, the Government which renewed the Act of Anne, and re-enacted this power." And I do say that this is a power which, if exercised at

all, must be exercised in the confidence which the House of Commons places in the Government. How often have I heard hon. Gentlemen opposite call for some inquiry into the manner in which the secret service money is disposed of. The answer always was, that is precisely one of those matters which must be left to the oath, the conscience, and the honour of the individuals in whom by law the power of expending this money is vested. It is exercised under no further responsibility than that which consists in the conscientious discharge of the duty of office, and in conformity with the terms of the Act. It is one of the powers entrusted to a Ministry, for the due exercise of which your security, and your only security, is the honour and conscience, and oath of the accredited Minister of State to whom that power is entrusted. This, Sir, is a similar power, and I will tell the House this—expressing, mind, no opinion as to the necessity of the power—that if that power be continued to a Government at all, it is a power, the whole importance, the whole use, and the whole efficacy of which depends on its being applied with secresy. It is on these grounds that my right hon. Friend resists the Motion for inquiry, it is on these grounds that he refuses to enter into the details of the specific case to which he may have applied the power with which he is invested. We admit frankly, broadly, and fully—and, by the bye, with respect to this point, the hon. Gentleman opposite has made another most unfounded assertion—we admit, I say, frankly, broadly, and fully, that the cases in which this power should be exercised are those in which the public safety is threatened. It is a power which, by this or by any preceding Government, has very rarely been exercised, and then only upon information which has made the Ministers believe that they were warranted in exercising it by considerations of public good. Far from being an every-day practice, the opening of letters in the Post-office is of very rare occurrence. The power is one of great delicacy —to be exercised with great caution; but it is a power which, if you mean a Minister to exercise, must be exercised with secresy, without his being responsible or called on to account for his conduct—without, I say, being called on to answer interrogatories as to particular cases, or state the reasons for and the grounds on which he has exercised that high and most important discretion.

Sir *G. Grey*: The noble Lord, with his usual courage, has rushed to the rescue of his Colleagues in the hour of their necessity; and it is not before he was wanted, in point of argument, that the noble Lord has arisen to defend the administration of which he is so able and distinguished a Member. But I doubt if he has adduced a single argument or made a single assertion much calculated to mend the cause which he has taken up. The noble Lord says, I think without foundation, that the reason why the right hon. Gentleman near him was totally silent, and refused to give any information when invited to do so, with respect to the circumstances of the case before the House is, that in the exercise of the duty devolving upon them as Ministers of the Crown, they are precluded, by a sense of duty, from furnishing the sought for explanation. Now I undertake altogether to controvert this position. What is the charge brought by my hon. Friend? Why, with a moderation which does not always distinguish him, he does not deny that this power should be vested in a Government for certain purposes; but he brings forward an instance of its exercise which he undertakes to prove will convict the Government of having exercised the power vested in them for one purpose to attain another and distinct purpose. It is not brought as a charge against the right hon. Baronet that in certain cases he has exercised a power given to him by law; but that he has exercised it—at the instigation, at the bidding, of a foreign Government—not for the purpose of detecting some plot against our Sovereign Lady the Queen, or against the constitution; but for the purpose of enabling the agents of a foreign Government, or a foreign Government itself, to obtain evidence against certain of its subjects exiled from their country upon political grounds—persons whom it has always been the pride and the boast of this country to receive with hospitality and kindness. Now, it is quite an unfair representation of the case to say that we are calling on Government, on any specific case, to lay the whole facts and circumstances of such case before the House; but I ask the noble Lord—I ask the House whether it was incompetent for him, or inconsistent with his public duty, to pledge his word to Parliament—to give

his assurance that the case in which the power was exercised was one in which the exercise of that power was contemplated by those who conferred it—that is, a case of apprehended danger to the State; and further, that he never had exercised, or could think of exercising, the power at the bidding of any foreign Government. My hon. Friend the Member for Yorkshire—professing that ignorance in which, owing to the reserve of Government, we all find ourselves—said that he would not vote for the Motion, because his doing so would be equivalent to assuming the correctness of the allegations advanced. Now, these allegations might have been denied without going into the case. The principle upon which Government has acted might have been stated; but, as the matter stands, if I were to vote against the Motion of my hon. Friend, I feel that I should be doing this, that I should be sanctioning a right which Government claims the exercise of, viz., of examining letters, of opening them, of making what use they please of their contents—not for State purposes—not for purposes connected with general safety—but for the purpose of serving the private ends of foreign Governments. If the right hon. Gentleman opposite had stated that he disavowed that principle, I, for one, should have been satisfied. But, looking at the facility with which such a principle could be stated, without as I believe, the infringement of any official duty—looking at the facility with which such a disavowal could have been made, and coupling that facility with the absence of any such statement, of any such avowal—considering that line of conduct as virtually setting up claims on the part of the Government to detain, open, and examine letters, I shall have great pleasure in supporting the Motion of the hon. Member for Finsbury.

Viscount *Sandon* wished to explain, on behalf of his hon. Friend near him (Mr. S. Wortley), who was accused of having pleaded ignorance upon the subject, that he merely wished to say that he did not intend to enter into the question of the policy of the power being entrusted to Government. For himself, holding in such high esteem as he did the Government, and thinking that in the present case it had acted for the good of the country, and legally and constitutionally, he could not consent to hamper the most important functions of Government by supporting the Motion.

Mr. *Wyse*: Some doubt had been thrown on the circumstance as to whether the letters had or had not been opened. He had seen them that morning, and examined them minutely, particularly that addressed to Mr. Mazzini, and no sort of doubt was left upon his mind but that they had been opened in the Post Office. Two letters were addressed at the same time to Mr. Mazzini and Mr. Hamilton, by the same person. They had been posted at the same time. The one reached Mr. Hamilton at the proper hour, a little after ten o'clock, and the other reached Mr. Mazzini, a little after twelve o'clock, and the post-marks had been altered by another stamp having been pressed upon them. This he saw with his own eyes. There could be no doubt, then, but that one of the letters had been opened in the Post Office. Government appeared to have acted in compliance with the wishes of a foreign potentate; for an article had appeared in the *Milan Gazette*—a journal published under such strict censorship that its contents became almost demi-official—to the effect that the English Government had not only determined to put a stop, as far as they could, to any demonstrations of sympathy with the agitation going on in Italy, but would go still further in the suppression of that agitation.

Mr. *T. Duncombe* had been charged by the right hon. Gentleman the Home Secretary, with want of courtesey in not informing him of the specific charges which he intended to bring forward that evening. Now, upon a former occasion, he wrote to the right hon. Baronet, inclosing him a copy of a Petition he intended to present the following day to the House, and he expressed a hope that the right hon. Gentleman would be prepared to state whether the letters in question had been opened with his knowledge and consent. He (Mr. Duncombe) presented that Petition, and the right hon. Gentleman stated that the letter of one of the petitioners had been opened by his warrant—which of them it was he did not say—but he also intimated that that warrant had been withdrawn, and, therefore, that the grievance no longer existed. Why was that course adopted? In order, he contended, to stifle and give the go-by to all inquiry. Now, he had another Petition sent to him yesterday, of which he did not enclose a copy to the right hon. Baronet,

but he wrote a note to him, to say that he intended to present another Petition relative to opening letters, as soon after half-past four o'clock as the right hon. Baronet found it convenient to attend. He did think that that was, under the circumstances of the case, quite a sufficient notice. If the name was given, the right hon. Gentleman might have recalled the warrant, and, as he did before, insist that no grievance existed. But were these warrants so numerous that he could not tell whether or not one had been issued against Captain Stolzman? Why, the deeper they got into the transaction, the more need there seemed to be fully to investigate it. He was quite satisfied that the public would not be satisfied with the explanation given. This was no longer a mere Post Office question, but one of confidence in the Government, and what he asked was whether he had made out a *primâ facie* case for inquiry? He thought he had. He had accused Government of having yielded to the wishes of a foreign potentate, and exercised the power—not for the only purpose for which Sir Robert Walpole thought its exercise allowable the avertion of internal danger. No case of internal danger had been urged at all—no defence of the sort had been ever attempted to be set up, and he thought that the country would come to the conclusion—and justly—that in shrinking from investigation Government were admitting their criminality.

The House divided :—Ayes 162; Noes 206: Majority 44.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Archbold, R.
Armstrong, Sir A.
Bannerman, A.
Barclay, D.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, Sir H. W.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. G. F.
Bernal, R.
Bernal, Capt.
Blackstone, W. S.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Busfeild, W.
Butler, P. S.
Christie, W. D.
Clay, Sir W.
Clements, Visct.
Cobden, R.
Colborne, hn.W.N.R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Dalrymple, Capt.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.
D'Eyncourt,rt.hn.C.T.
Divett, E.
Drax, J. S. W. S. E.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, F.
Dundas, hn. J. C.
Ebrington, Visct.
Ellis, W.
Elphinstone, H.
Esmonde, Sir T.
Ewart, W.
Ferguson, Col.
Fitzroy, Lord C.
Forster, M.
Fox, C. R.
French, F.
Gibson, T. M.
Gisborne, T.
Granger, T. C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Hanmer, Sir J.
Hawes, B.
Hayter, W. G.
Heneage, E.
Hill, Lord M.
Hindley, C.
Hobhouse, rt. hn.Sir J.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, hon. C.W.G.
Howard, hn. J. K.
Howard, Lord
Howard, hn. E. G. G.
Howard, hon. H.
Howick, Visct.
Hume, J.
Humphery, Ald.
Hutt, W.
Jervis, J.
Johnson, Gen.
Langston, J. H.
Langton, W. G.
Layard, Capt.
Leader, J. T.
Lemon, Sir C.
Leveson, Lord
Macaulay, rt. hn. T.B.
McGeachy, F. A.
McTaggart, Sir J.
Mangles, R. D.
Marsland, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Morrison, J.
Muntz, G. F.
Napier, Sir C.
O'Brien, J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Paget, Col.
Paget, Lord A.
Parker, J.
Pattison, J.
Pechell, Capt.
Pendarves, E. W. W.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Ponsonby,hn.C.F.A.
Power, J.
Protheroe, E.
Ramsbottom, J.
Rawdon, Col.
Ricardo, J. L.
Roebuck, J. A.
Russell, Lord J.
Russell, Lord E.
Russell, J. D. W.
Scholefield, J.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, B.
Smith, J. A.
Smith, rt. hon. R. V.
Standish, C.
Staunton, Sir G. T.
Stewart, P. M.
Stuart, W. V.
Stock, Sergt.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Traill, G.
Troubridge, Sir E. T.
Tufnell, H.
Tuite, H. M.
Turner, E.
Vane, Lord H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Watson, W. H.
Wawn, J. T.
Williams, W.
Wilshere, W.
Wood, C.
Worsley, Lord
Wyse, T.
Yorke, H. R.

TELLERS.

Bowring, Dr.
Duncombe, T.

List of the NOES.

Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.

Arbuthnott, hon. H.
Arkwright, G.
Arundel and Surrey, Earl of
Ashley, Lord
Baillie, Col.
Baird, W.
Balfour, J. M.
Baring, hon. W. B.
Baring, T.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, T.
Beckett, W.
Beresford, Major
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Admiral
Bramston, T. W.
Broadley, H.
Brownrigg, J. S.
Bruce, Lord E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Cardwell, E.
Cartwright, W. R.
Charteris, hon. F.
Chelsea, Visct.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt.hn. Sir G.
Codrington, Sir W.
Compton, H. C.
Corry, rt. hon. H.
Courtenay, Lord
Cresswell, B.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dawnay, hn. W. H.
Denison, E. B.
Dodd, G.
Douglas, Sir H
Douglas, Sir C. E.
Douro, Marq. of
Dowdeswell, W.
Drummond, H. H.
Dugdale, W. S.
Duncombe, hon. O.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Entwistle, W.
Escott, B.
Estcourt, T. G. B.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Forman, T. S.
Fox, S. L.
Fremantle, rt.hn. Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt.hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Halford, Sir H.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hodson, F.
Hodgson, R.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Hussey, T.
Ingestre, Visct.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt.hn. Sir E
Knight, H. G.
Knight, F. W.
Lawson, A.
Lefroy, A.
Lennox, Lord A.
Leslie, C. P.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Martin, C. W.
Masterman, J.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hn. Col.
Plumptre, J. P.
Powell, Col.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Sanderson, R.
Sandon, Visct.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Smyth, Sir H.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Taylor, E.
Tennant, J. E.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Verner, Col.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wortley, hn. J. S.
Wortley, hn. J. S.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

BANK CHARTER — THE CURRENCY.] On the Order of the Day, for the House to go into Committee on the Bank Charter Bill,

Mr. Alderman *Thompson* observed, that the alterations and restrictions imposed upon the Bank of England, by the Bill before the House, were neither necessary nor equitable to the Bank itself. The Bank of England was in future to be limited to an issue of 14,000,000*l.*, whereas its capital consisted of 16,500,000*l.*, namely, 11,000,000*l.* lent to the Government, 3,000,000*l.* representing the value of the Bank Stock held by the proprietors, and 2,500,000*l.* the amount of the reserved sum, commonly called "the rest." He was at a loss to conceive why, with a fixed and tangible capital of 16,500,000*l.*, the Bank should be limited to an issue of 14,000,000*l.*, seeing that it was at all times quite competent to support a circulation of 2,500,000*l.* more, and, indeed, had a fair claim to this amount. He had originally understood the right hon. Baronet (Sir R. Peel) to say, in introducing the measure that a discretionary power was to be lodged with the Government, in the persons of the

First Lord of the Treasury, the Chancellor of the Exchequer, and the Master of the Mint, enabling them to authorise the Bank to increase its issues to a certain extent in case of need, and he should have been perfectly satisfied if that power of extension had been limited to an issue of 2,500,000*l.* But he had since unfortunately discovered, that no such safeguard had been provided, and that the right hon. Baronet had wholly omitted to give any such liberty to the Bank to increase its issues in cases of emergency. The Bank of England was placed in a most disadvantageous position with respect to the circulating medium and the standard of value. Throughout all Europe, and, indeed, throughout all the world, the standard of value and the universal circulating medium was silver, whereas the Bank, being obliged to pay its notes in gold was alternately subjected to violent fluctuations in the quantity of bullion contained in its coffers, and, in so far as the present Act was concerned, it would have a double effect upon the transactions of the Bank of England as a restrictive measure. It was said that the Bank of England could increase its issues under certain contingent circumstances: but how was that provision made by the Bill? If a country bank of issue failed for 90,000*l.*, the Bank of England would immediately increase its issues to the amount of 60,000*l.* which would still leave a deficiency in the general circulating medium of 30,000*l.* and, if this were to be of frequent occurrence, the consequences, both to trade and commerce, would be extremely inconvenient. The fears and prognostics of those who had already referred to the objections above stated were made light of; and it had been stated that the country could very well afford to see 4,000,000*l.* of gold taken out of the general circulation so long as the Bank of England had 8,000,000*l.* in its coffers; but he differed entirely from this opinion, and he must observe that he was not single in his sentiments upon this subject; at the same time, he felt it to be incumbent on him to observe, that although he had formed these opinions after an experience of seventeen years as a Bank director, he did not put them forward in that place in his capacity as connected with the Bank, but in the more general character of a Member of that House; nor did he desire it to be inferred in the most remote degree that his opinions represented those of the Court of Directors as a body.

Mr. *W. Williams* was not surprised at the opinion put forth by the hon. Member opposite, considering he had been so long a Bank Director, nor did he consider his dissatisfaction at the measure before the House as anything extraordinary. It was to be expected that the hon. Member would object to any check being placed upon those exclusive privileges which had so often brought difficulty and distress upon the people of England. The desire of the hon. Member to extend the issue of Bank paper from 14,000,000*l.* to 16,500,000*l.*, was quite natural; but the expectation was, he hoped, groundless; for the right hon. Baronet had stated, when the measure was first brought forward, his intention to adhere to the principles which he then laid down, and he relied on that determination. The right hon. Gentleman had, in accordance with his declaration in that speech, brought in a Bill, and had since expressed his determination to adhere to it without change. This measure would, he considered, carry out the principle of the Bill of 1819, and if it had accompanied that Bill it would have prevented those disastrous fluctuations in the value of money and property of every kind by the mismanagement of the paper currency, which had brought ruin, distrust, and misery, upon so large a portion of the people of this country. It was calculated that the stoppage by the Bank in 1797 sent 35,000,000*l.* of coin in gold and silver out of this country. Again, at various periods when the Bank of England after a high issue of paper money had been compelled to contract its payments to save itself from difficulty, see the vast amount of bullion that had been lost. It was the excessive circulation of paper money by the Bank of England that had often generated speculation and high prices —prices advancing sometimes on articles important to the manufactures of this country nearly 100 per cent. The consequence had been, that we had imported beyond the extent of our exports, and the difference had been paid to the foreigner by the exportation of bullion. [The hon. Member gave a slight sketch of the variations in the quantity of bullion in the Bank coffers, and continued.] He believed that if we had favourable harvests for the next two or three years, this measure would give us a currency in bullion, and paper combined to a larger extent than had been the average since the year 1819. Was it not a remarkable fact, that

this country, with all its commerce, had in circulation of gold and silver at the present moment not much more than 30,000,000*l.*, whereas in France the amount in circulation was upwards of 100,000,000*l.*? He should wish to see introduced, changes in the Mint regulations, and full opportunity given to every merchant who imported gold of coining it at sums as low as 500*l.* That would increase the circulation of bullion in this country. [The hon. Member again referred to the statistics of the paper issues to demonstrate that they had a great effect on prices, and that the Bank had been involved in difficulties by improper management, and concluded.] He would ask hon. Gentlemen to compare the circumstances of that period with those of the present time, and he thought they must then be convinced that a high or low circulation of paper money was not without its effect upon prices. He should make no further observation, but to say that he hoped the Government would adhere to the Bill, for which he gave them his thanks, and which he should support. He had expected a good measure from the right hon. Baronet, but he confessed he had not expected that the right hon. Baronet would have dealt with the subject in so comprehensive a manner.

Mr. *Masterman* said, that regarding the 14,000,000*l.* which were to be issued by the Bank of England on securities, he could not help urging again on Her Majesty's Government, that which living, as he did, among bankers and merchants, he was continually pressed to urge, viz., the alarm with which they viewed that provision of the measure as it stood. It was apprehended that that part of the measure must lead to such a contraction of commercial accommodation as must be highly inconvenient. It seemed to him to be the most expedient course to give the Bank a power of expanding that part of the issues, and such a provision commercial men had expected would have formed part of the Bill. He would suggest to the right hon. Baronet the consideration whether such a principle might not be still introduced into the measure, to continue the power for three or five years only. There was one objection to taking three months average of the circulation of the country bankers, because, as was well known, the circulation varied in amount considerably in different months of the year; and thus such an average would operate injuriously to the interests of particular country banks. The four years' average was much preferable.

Mr. *Muntz* said, that after thirty years' blundering about the currency, it appeared that they were now about to be in Paradise. At least the hon. Member for Coventry (Mr. W. Williams) had told them so, but he had not told them what profits would be made, how they should pay the taxes, or what rents were to be. Whatever the right hon. Baronet might say, the question resolved itself into this —whether they could support a high price of corn and a low value of money together. The right hon. Baronet the other evening had said that the value of the pound sterling had always remained the same; but that was not the case; it had varied extremely since the reign of Elizabeth. But as to the right hon. Baronet's comparison between a pound sterling and a foot measure, he could not understand it. People in this country had never bought by any other than the foot measure. The hon. Member read extracts from the Report of the Bullion Committee, to show that Mr. Horner entertained the same view as himself, that there must be a relative price between corn, gold, and silver. Hon. Gentlemen, now-a-days, however, seemed to think they could have a low price of money co-existent with a high price of corn. That was the only point on which he was at issue with the right hon. Baronet, except his attack on the country banks, which he could not approve. Foreign trade was now done for merely a nominal profit, and hardly any occurrence would bring it to a lower ebb than that which it had already reached. He was so opposed to the measure that he moved that the House do resolve itself into the said Committee this day six months.

Sir *R. Peel* said—I regret that in the present state of public business the hon. Member who has last addressed the House should think it necessary to endeavour thus to revive a discussion upon the principle of the measure, and in his attempt to raise that discussion I am not a little surprised to find that he should seem to expect that any one would now answer in detail objections to the measure; every one of which objections were answered five or six weeks ago. To argue this matter, therefore, with the hon. Member for Birmingham is quite out of the ques-

tion, the more especially as it must be obvious to every one that his comprehension of the subject is wholly different from that of the public in general. [The right hon. Baronet referred at some length to the opinions of Mr. Muntz, as given before a Committee of the House and then continued.] The speech of the hon. Member might have had some meaning in the year 1818, but it does not apply to the state of things which exist in the year 1844, and the adoption of any such principle would be gross injustice towards all who are parties to this transaction. But, as I before said, I have no wish, I can have no wish, to prolong this discussion; my wish on the contrary is, that we should proceed immediately to discuss the clauses of this Bill. The House will not be surprised to learn that since the announcement of this measure several propositions have been laid before Her Majesty's Government. To all those we have given the fullest and most careful consideration; but we have declined to accede to any alteration that would be at all at variance with the principle of the Bill, and it would be a departure from the principle of the measure, if there were to be any addition to the issue upon security contemplated under this Bill, except in certain specified cases. If the Government, as has been suggested by my hon. Friend, the Member for Westmoreland, were to possess a discretionary power to increase the circulation, the pressure on them to bring that about, would at times be instant and extreme. After all, we must adhere to the principle laid down by Mr. Harman, in 1797, that the circulation of paper must depend upon the solvency of the issuing body. If a man possess land of the value of 1,000,000*l.* sterling, and he were allowed by law to issue paper to that amount, it is needless to observe that to that amount it would be a solvent issue, and, I may add, that such an issue would be in conformity with the principle of the Bill. But one of the objects that we have in view is, that the paper circulation should conform itself to gold — that it should fluctuate like gold—and that by those means it should be made to represent a value equal to that of gold. As an objection to this Bill, and as a reason why it should be altered, we are told that the Bank of England is worth more than 14,000,000*l.* —that it is worth 16,500,000*l.* Now, suppose it was worth 25,000,000*l.*, is that any reason that we should go beyond the 14,000,000*l.* which we have specified? The Bank may be worth 16,500,000*l.*, but that is not the question. We never assigned the sum of 14,000,000*l.* as representing the capital of the Bank, nor did we fix on that amount after looking at the bullion in the Bank; but Her Majesty's Government were of opinion that they could not safely allow any greater issue than that of 14,000,000*l.*, and after the best consideration which they could bestow upon the subject they came to the conclusion that that sum must be their maximum. But then we were told that the Bank was worth 16,500,000*l.*, and that Government might safely be entrusted with the discretionary power of extending the issue to that amount if a necessity arose. If we were to possess such a power a month would not be allowed to elapse before we should be called upon to exercise it. It would be held that the test of the necessity was the legitimate demands of commerce—there would be an immediate press on the Government to extend the issue—we should be told "Here are good bills—these are legitimate demands —the parties are all solvent—this is not fictitious paper—what can be the objection to extending the issues in such a case." To such a proposition as would vest such a power in the Government I gave a decided negative. I said at once that such a proposition was an evident denial of the principle on which we were proceeding. To extend the issues to the full amount of capital possessed by the Bank was one proposition, and to give the Government that discretionary power to which I have been referring, was another; to neither of these could I consent. I shall now proceed briefly to state those modifications of the measure which we have thought it necessary to make, and which we conceive to be perfectly consistent with the principle of the Bill. When it was brought forward on the 6th of May, it was thought expedient to select some definite period by the issues in which to regulate the future issues of country and joint-stock banks, and for that purpose, we proposed to take the average of the last two years, or the last three years. We have not thought it expedient to adhere to the period of two years, because it did appear that that might include the lowest amount of country circulation. Independently of

this, it was said that that period would not furnish an amount equal to the maximum which would be required for future circulation; and it was apprehended that we should derange many transactions by fixing too low an average. Then it was suggested that we ought to take the average of the last five years, which would include the year 1839, and to this proposition we did not accede; neither to that proposition by which we were recommended to take a single day as the rule, nor that which would have us take four years or three; but, on the contrary, we think we have chosen an average which will fairly fulfil the intentions with which we set out, with as little as possible of public inconvenience. What we propose to do is to take the average of the twelve weeks which immediately preceded the announcement of the measure. There would have been a difficulty either in two years or in four years, if we attempted to apply that principle indiscriminately to all banks. Some banks might with considerable show of reason object to that; they might affirm it to be an unjust average, on the ground that it would include the month of May, 1843. A country banker might say that at that time there had been a great failure of a banking establishment in his neighbourhood; that in consequence of that occurrence he had been obliged greatly to increase his issues for the purpose of supplying the void which that failure created—that the transactions in which he then engaged were perfectly satisfactory to the commercial, manufacturing, and landed interests in his vicinity, but that, nevertheless, it had led to a great extension of the issues of his particular establishment; and, in a word, if we took the average of the last two years we should have been wrong to the extent of 30 per cent. Besides that, if we found one bank doing as I have described, we might find another which had been supplying its customers during the same period by means of Bank of England notes almost exclusively; and thus the average on the two years would never have answered our purpose. Upon the whole, then, we thought that two years would not do justice to all parties, and so we have resolved to take the twelve weeks antecedent to the 27th of April. This is as nearly as possible the three months preceding the announcement of the measure. This, I repeat, was the nearest approach that we could make towards giving universal satisfaction; for, let us do what we might, there would be some one found to say that the arrangement did not suit his views, and that the average would not be fair as regarded his transactions; for no general plan could be made for every set of particular circumstances. During the three months that we have chosen, prices were about the ordinary level in manufactures, and commerce was in a comparatively flourishing state. The month of April is included within the period, and so likewise is the month of February. The months on which these average issues will be taken are, as I have already stated, the months of February, March and April, and they will, as I think, present a fair test of the whole year. No doubt some one may be found who will tell us that he did more business in October and September than in the months that we have selected, but it must be obvious to the House that we could not frame a measure capable of suiting every individual bank. Upon the whole, then, I should say, that taking the average from the twelve weeks previous to the announcement of the measure will do justice, and interfere as little as possible with the intention and principle of the Bill. Representations have been made to Her Majesty's Government that some inconvenience might arise from compelling banks to confine their maximum of issue to one single week. I do not see that much inconvenience would arise from compelling a bank with no branches to confine its issue within one week; but with respect to a bank which has numerous branches, it is possible that such an one might be subjected to considerable inconvenience. All we require is, that the fair maximum of issues shall not be exceeded —that it shall be kept within certain limits. We propose, therefore, instead of confining the maximum to a week, to extend that period to a month. Supposing, for example, that the maximum of a bank should be 100,000*l.*, and that from transactions to be completed within the month,—suppose that within the month there should occur a fair, or something which had led in past years to an increased demand for accommodation—say to the amount of 106,000*l.*,—in that case, provided the Bank will limit its issues in the first three weeks of that month to 98,000*l.*, and if in the last week the is-

sues shall amount to 106,000*l.*, so that the total average of the monthly period does not still exceed 100,000*l.*, then in that case the Bank would not be subject to any penalty. That appears to me to be a just arrangement, more especially with respect to a bank which has branches. Then we do not propose that the account shall extend beyond the month. The average for each month must not exceed the maximum. Suppose there is a diminution in the issues within a given month; in that case, the Bank is not to be allowed in the month following to exceed the maximum of its issues in order to make up for the diminution in the preceding month. The Bill does not proceed to that extent; but we have reason to believe that it will prove exceedingly satisfactory to a great number of joint-stock banks and of private banks to extend the period from a week to a month. The only other point of the slightest importance, with respect to which Her Majesty's Government propose any modification, is to provide the period when this limitation of issue shall take place—which we think should be upon that day which, if I may say so, is the commencement of the year with joint-stock banks—the 10th of October. On that day their issues are renewed, and on the 10th of October next, therefore, we propose that the limitation shall commence. There is only one other point. At present there is a penalty for exceeding the issue of three times the amount of the excess committed. We propose, relying upon the good faith of the gentlemen who conduct country banks, that the penalty shall equal the amount of the excess; that is to say, those who exceed by 1,000*l.* shall be liable to a penalty of 1,000*l.* Now, after very mature consideration, these are the modifications in our proposal which we propose to make; we do not think that, in any degree, they endanger the principle of the measure, but that they are in themselves just and reasonable. I hope that we shall now proceed to consider the Bill in Committee, and, adverting to the proofs which Her Majesty's Government have shown to listen to modifications proposed for their adoption, that the House will not think that we are desirous to adhere to what we first proposed, when reasonable propositions are offered for our consideration. I trust that there will be little or no opposition to the progress of this Bill in Committee, and I proceed with the confident hope on the part of Her Majesty's Government, that this measure will continue to receive that cordial sanction and approbation of this House which is likely to have due weight and authority in the commercial world and throughout the country.

Mr. *Hume* was anxious to see the plan of the right hon. Baronet carried out. He wished to inquire, however, of the right hon. Baronet, whether he intended to provide gold to answer the paper issues of the banks of the United Kingdom as well as of the Bank of England. If so, he thought all restrictions might be removed, provided all notes were made convertible at the Bank. He wished the right hon. Baronet to repeal the legal tender clause, and to require every bank to retain a portion of gold to answer its own notes.

Sir *R. Peel* had entertained strong prejudices in favour of the plan of the hon. Member who had just sat down. Supposing, that having adopted his principle, and that free competition in banking combined with immediate convertibility on demand would secure an excess in issue, he would immediately consent to repeal the legal tender clause; but he feared if country notes were made immediately convertible, that that result would not follow, and that there would still be a stock of gold here; that country bankers being willing to depend on their own paper until a time of pressure came, when they would ask for it, the Bank of England would still continue to be the source to come to for gold. Scotland was an example of this. Practically Scotch notes were immediately convertible; but did Scotland keep a large supply of gold? On the contrary, Scotland was quite ready to rely upon England for gold, which it trusted to get from London in case of an immediate demand for it. For these reasons he was desirous of adhering to the principle already acted upon in this matter.

Mr. *Wallace* concurred with what had fallen from the hon. Member for Birmingham (Mr. Muntz), and could not but think that the measure was much better suited to persons who had already well feathered their nests and had plenty of capital, than to people who were comparatively poor, and were striving to make their way. He believed we were on the eve of a bad harvest; and he feared that, combined with that circumstance, this

measure would be severely felt by the poorer classes for some time to come.

Mr. *Barnard* said, as the Bank were to be called on to make advances to the Government upon Deficiency Bills, how was that diminution of the circulation to be made up when the dividends were payable?

Sir *R. Peel* said, the hon. Member need not sell out under any apprehension that there would not be gold enough to pay the dividends. Besides that, his right hon. Friend had adopted a plan for equalizing the amount of the deficiency Bills at different periods; experience had shown that there was no ground for the apprehension entertained by the hon. Member.

Mr. *Muntz* said, the right hon. Baronet had talked about cheating and robbing. He did not know whether he meant to be personal. What he wanted to prevent was, that cheating and robbing which must exist where there was such a Corn Law as we had now, which restricted currency.

Sir *W. James* had studied this question for a month, and had not yet been able to make up his mind, although the argument of the right hon. Baronet was so logically built up—syllogism on syllogism—that it was impossible to refute it. He feared that the mines of the world would not supply a sufficient quantity of gold if the principle of a metallic currency were fully carried out. The subject was so beset with difficulties to his mind that he should not vote at all.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 205; Noes 18: Majority 187.

[It seems sufficient to preserve a record of the Minority.]

List of the NOES.

Colborne, hn.W.N.R.	Seale, Sir J, H.
Collins, W.	Sibthorp, Col.
D'Eyncourt,rt.hn.C.T.	Taylor, J. A.
Duncan, G.	Trollope, Sir J.
Gisborne, T.	Turner, E.
Hastie, A.	Wakley, T.
Henley, J. W.	Wodehouse, E.
Johnson, Gen.	
Morris, D.	TELLERS.
Newdegate, C. N.	Wallace, R.
Scott, R.	Muntz, G. F.

House in Committee.

On the second Clause,

Mr. *Newdegate* said, that having on a previous occasion alluded to his estimate of the contraction of the Bank Issues, and having stated he would adduce this on Committee, he now wished to state that after examining Parliamentary Returns he found, speaking in round numbers, that on the average of the last twenty-three years of the Bank of England, since the Act of 1819, had—

Circulation	19,000,000
Deposits	9,000,000
Securities	22,900,000
Bullion	8,000,000
Surplus or rest.....	3,000,000

The right hon. Baronet assumed that the present amount of gold in the Bank would continue the same, and he based his issue accordingly on it—making a total issue of 30,000,000*l.*, and considers, that of this, 22,000,000*l.* would be available for the active circulation of the Bank of England; but the present amount of bullion in the coffers of the Bank was nearly double that of the annual average for the last three-and twenty years, and as such being strictly an exceptional case he (Mr. Newdegate) argued that, to base the issue upon the assumption of its continuance was to place it on an unsafe foundation. The future position of the Bank in that respect might, with much more justice, be assumed at one-half of the present amount of bullion; and if that sum 8,000,000*l.* were added to the 14,000,000*l.* securities, the circulation would not practically be more than 15 or 16,000,000, though the total issue would be 22,000,000*l.*, a figure more than 8,000,000*l.* below the average of the last twenty-three years, thus will the active circulation be diminished to an amount of between 3 and 4,000,000*l.* less than the average of the twenty-three years, and be rendered totally insufficient for the ordinary exigencies of the country; this too, taken without making allowance for the extra amount, which must hereafter lie dormant in the Bank coffers. The prices of all produce would be directly affected by such a contraction, and agricultural produce more especially; and he had no doubt that they would come down 18 or 20 per cent., beginning to fall when the change began to operate, and progressively diminishing afterwards with the restricted circulation. The whole question turned, in fact, on the amount of bullion the country had to look for. He (Mr. Newdegate) saw no reason to agree with the assumption of the hon. Member for Montrose, that the amount was unlimited. On the contrary, although he

believed the quantity in this country very great, he also believed that the sum in general circulation was limited. There was before the Committee a proof of the actual amount in circulation since 1819; and there were no grounds to show that the necessity for the future would be less than it had been for the past. On the contrary, there was every reason to assume that an increase in its amount would be requisite to provide for the wants of an increasing population, and an extended traffic. The restriction which the Bill imposed would thus act in an increasing ratio on prices; and the pressure which it was sure to cause upon all classes of producers would be most grievous on the poorest class, who had but their labour to barter against the fixed payments. The prospect of a bad harvest was staring the country in the face; the exchanges might turn against England as they did before, and so reduce indefinitely the amount of bullion in the Bank; for there is every reason to suppose that, as the high amount of bullion in the Bank is unprecedented, it will not so continue; and then in every successive year would be felt the depressing influence of the Bill before the House for restricting the circulation. The main object of the Measure was to prevent the Bank of England acting as a Bank of support, a function which it had discharged almost to the salvation of the country on more than one occasion. When the exchanges turned against England, the demand for gold was of two kinds—namely, the demand for exportation, and the demand caused by a panic. The action of the Bank in supporting credit and allaying panic has hitherto proceeded thus. When the exchanges turn against this country, and the bullion is withdrawn from the Bank in any great quantity, a feeling of insecurity in credit soon shows itself at home—first by the bankers collecting gold to meet the exigencies of a run; thus they co-operate with the foreigner in drawing bullion from the Bank of England. The Bank then restricts her issues, and the feeling of insecurity extends rapidly to the public; they again, through their Bankers, draw more gold. But prices fall, and the exchanges cease to be unfavourable—at all events are checked in their downward progress. Their resuming a direction favourable, however, to this country, is a matter of time, whilst the panic keeps up a continual drain upon the bullion of the Bank. This is a secondary action, and the Bank commences more liberal issues of her notes, because she sees the exchanges are improved, and wishes to re-assure the country—for thus the internal drain upon her coffers will be stayed. By this system, the Bank serves as an index of exchange to those who are not so capable of judging of the real condition and probable direction of the exchanges; they prevent the panic—continued, if not caused, by ignorance—from further increasing the evil of diminished bullion; for, of that evil, panic is often as much the cause as the consequence. It was, in his opinion, most unwise policy on the part of the Government to remove that guardian influence from commerce and labour in this country; for the time might still arrive, as it did before, when the circulation would be altogether inadequate to the wants of the country, by reason of the drain for bullion, and there are no means for remedying this afforded by the Bill before the Committee. He did not see how the circulation could be maintained at the average of the last twenty-three years, should the Bill come into operation in its present shape. He could not help concluding from all these circumstances, that the Bill had not been sufficiently considered before it was proposed; and he certainly was of opinion, that it was not at all thoroughly understood by hon. Members. He believed that the fluctuations in value would be more violent than heretofore, and the consequent depreciation of price more detrimental to the labouring classes. Having endeavoured to show the House the effect of contraction of the Currency, judging from the experience of past years, he must be permitted to add his condemnation of the Measure, which, with its stringent enactments, he believed to be wholly unadapted to the state of the country. The hon. Gentleman concluded by saying, that he felt it to be his duty, as several hon. Gentlemen on his side (Ministerial) of the House were strongly opposed to the Clause relating to issues by the Bank of England, to divide the House. That Clause was like ossifying the heart of the human frame, which, when any additional quantity of blood should be propelled through the veins, would inevitably result in the bursting of the smaller vessels. Such being his strong conviction, he felt it imperative upon him to take the sense of the House upon the Clause in question.

Mr. *Darby* (who spoke from under the gallery, and was almost wholly inaudible,)

was understood to declare his inability to comprehend the nature of the Amendment moved by the hon. Gentleman.

Mr. *Newdegate* begged to explain, that, from being unaccustomed to the forms of the House, he had omitted to conclude with the terms of his Amendment, which was, that the words "securities upon 14,000,000*l.* be omitted, and that 22,000,000*l.* be substituted, as the average of the last twenty-three years." The hon. Member subsequently explained, that the Returns from which he had quoted were chiefly derived from the Parliamentary Return, No. 580, which had been delivered to the Members in June, 1842. He certainly had believed that Bank Post Bills had been included, and so they must be in future similar Returns, and so be taken into account. My statement (continued the hon. Member) has proceeded on the same premises as that of the right hon. Baronet, who, in his speech of May 21, made the following statement with reference to the present condition of the Bank:—

"Take the case at present; the Bank is possessed of great amount of bullion—not less than 16,000,000*l.* The banking department of the Bank of England is possessed of not less than 30,000,000*l.* of Bank notes, 14,000,000*l.* issued on securities, and 16,000,000*l.* on bullion; a great proportion of these Bank-notes will necessarily lie dormant in the coffers of the banking department, because it is not possible that more than 22,000,000*l.* can be made available for the supply of the legitimate demands of commerce."

The right hon. Baronet here calculates that about one-third of the total issue of notes will be dormant under the present system; if, therefore, the bullion, instead of remaining hereafter at the present amount, falls to anything like the average of what it has been in past years—that is, 8,000,000*l.*—if the issues on securities made by the Bank, are absolutely limited to 14,000,000*l.*, instead of 22,900,000*l.* the average of past years—and, if we deduct one-third for the amount of notes which will be dormant in the Bank, it will only leave 15,000,000*l.* available for the purposes of commerce, with no extra allowance for rest or surplus, an amount 4,000,000*l.* less than that which has hitherto been required for the natural commercial transactions of the country, as circulation of the Bank of England; and, if further we connect this with the fact, that the restriction of issue on securities is an absolute restriction, and connected also with the other restrictive provisions of the Bill, I do not think that I have overstated the amount of the contraction, when I estimated it at between 8 and 9,000,000*l.*, on a circulation of considerably less than 40,000,000*l.*, which, of late years, has been that of England and Wales. The probable contraction cannot, therefore, be estimated at much less than 20 per cent. in the whole. The right hon. Baronet observes, that during the first year of the period upon which I have taken the average annual issues of the Bank up to the present time, the Act of 1819 was not in full operation, this is true as far as it goes, for paper did rise absolutely to par with gold till 1821, but if you take the preceding year out of the calculation it will make an extremely slight difference in the result. The right hon. Baronet also observes, that the period since 1819 includes several years, during which our pound notes were in use. These notes were issued to meet contingencies, which I conceive we must anticipate as likely again to occur, and which must be met, if not by an issue of one-pound notes, by some relaxation of the Currency, of equivalent effect.

Sir *R. Peel* said, that the point raised by this Amendment had been so often discussed, that it was really unnecessary for him to go over the subject again, or indeed to do more than express astonishment at the declaration of the hon. Gentleman, that the House was unprepared to decide a question which, in his judgment, had been so insufficiently considered. The hon. Gentleman seemed to entertain most erroneous views of the effect of this provision. If the Bill passed there was really nothing in it to preclude the Bank from doing all that the hon. Member desired, or even for issuing 28,000,000*l.* or 30,000,000*l.* of its currency, if it could find profitable employment for it. The Bill gave the Bank the power of issuing 14,000,000*l.* based upon securities, and 16,000,000*l.* based upon gold, and they had every reason to believe that if the Bill passed the circulation of Bank paper would not be confined to 14,000,000*l.*, as the hon. Gentleman seemed to think, but would extend to 22,000,000*l*, or 24,000,000*l.*, as he desired. The difference between them was not as to the amount the Bank should issue, but as to the basis upon which these issues should

rest. If the Bank were to possess the power the hon. Member desired to give it, and if it exercised that power of issuing upon securities without having any gold basis to meet the issue, why the probabilities were that the Bank would be speedily ruined. In truth, the whole speech of the hon. Gentleman, if rightly understood, was not a speech against this measure so much as a speech against the metallic system. He thought, however, that the House would not be inclined to go with the hon. Gentleman in his desire to restore a currency without a basis, which in reality only created fictitious value, and when the bubble burst spread ruin over the country and deranged all commercial transactions. In his endeavour to support this question, the hon. Member had made use of some very erroneous calculations. First, the hon. Gentleman had included in his estimate of the Bank circulation all the Bank post bills issued by the Bank, and, secondly, that he had taken those years during which the Bank issued one pound notes. These were important errors; but he would not further occupy their time in meeting those objections. He thought the great benefit to be derived from the measure, was the prevention of those rapid contractions of the currency which they had experienced.

Mr. *Kemble* believed that one beneficial effect of the Government Bill would be to prevent wild speculations in foreign railways. He did not mean to say that the present Bill would put an end to all speculation; nor was such a result desirable, for there ought to exist some moderate and wholesome speculation, though not those dreadful alternations of prosperity and distress which had existed. He thought the Bill calculated to produce more steadiness than had prevailed for a long period of time, and therefore it was entitled to the support of the House. At the same time, as the present was a great experiment, it would probably have been more satisfactory to the public if the right hon. Baronet had adhered to his original proposal, by which he retained to the Government the power of increasing the circulation to a limited extent. He at least had understood the right hon. Baronet so to have expressed himself.

Mr. *C. Wood* could undertake to say that the only circumstance under which the right hon. Baronet had contemplated the exercise of such a power as that alluded to by the hon. Member was the withdrawal of country notes from circulation, when, with the sanction of the Government, the notes of the Bank of England might, in a certain proportion, be substituted. He thought, however, all discussion should be reserved on this point until they reached a subsequent Clause of the Bill. He supported the Government proposition, and should vote against the Amendment.

Mr. *Newdegate* then proceeded to withdraw his Motion, in accordance with the suggestion of the hon. Member for Halifax; and said that, in what he had proposed, his object had been, that the power of the Bank to issue on securities, should not be limited to any amount of securities less than that upon which they (the Bank) had issued on the annual average of the last twenty-three years.

Amendment withdrawn, and the Clause as amended, was agreed to, as were also Clauses 3 and 4.

House resumed Committee to sit again.

The House adjourned at a quarter-past one o'clock.

HOUSE OF LORDS,

Tuesday, June 25, 1844.

MINUTES.] BILLS. *Public.*—2ª. Charitable Donations and Bequests (Ireland).

Reported. — Privy Council Appellate Jurisdiction Act Amendment.

Private.—1ª. Salmon Fisheries (Scotland).

2ª. Leeds Vicarage (Dr. Hook's); Archbutt's Divorce.

Reported.—Willenhall Chapel (Fisher's) Estate; Stratford (Eastern Counties) Junction Railway; Edinburgh, Leith, and Granton Railway.

3ª. and passed:—Slamannan Railway; Preston and Wyre Docks; Edinburgh and Glasgow Railway; European Life Insurance Company; Manchester Bonding.

PETITIONS PRESENTED. From Dalkeith, for Improving the Condition of Schoolmasters in Scotland.—By Earl of Eldon, from county of Dorset, for Protection to Agriculture.

OPENING LETTERS AT THE POST OFFICE.] The Earl of *Radnor* hoped it would not be considered an infringement of the rules of their Lordships' House if he renewed the Motion which he made a few evenings ago, on the subject of opening letters in the Post Office, under the authority of a warrant of the Secretary of State for the Home Department. They were all aware—indeed, the public were aware to-day, in consequence of what had passed last night in another House—of the allegations which were made with respect to the opening of letters of private individuals in the Post Office, and in consequence of these proceedings, it was

now absolutely necessary that something should be done to maintain the character of this country against the effect which such circumstances as those that were detained in the debate of last night in another place were calculated to produce. The matter had now assumed a very serious aspect; and he thought their Lordships would agree with him in thinking that the subject could not now rest where it was. It was not his intention, on that occasion, to go into the argument as to whether or not such a power ought to be allowed to exist in the Secretary of State. He was not going to raise a question as to the propriety of allowing the Secretary of State to stop letters, and open them in the Post Office. He thought it was a power which ought not to exist, but he would not now enter into that portion of the subject, nor would he even enter into the question as to whether there was a separate warrant granted to authorise the opening of each letter which had been stopped in the Post Office. He understood that according to the letter of the law, it was absolutely necessary that there should be a separate warrant to authorise the opening of each letter; but that was a matter rather of internal policy, and whatever views he might take of it, he did not intend to enter into the question on this occasion. Any man who looked at the history of this power—who looked to the object for which it was intended by the Parliament, must be convinced that the Parliament could have no view in granting it but the security of the realm and the safety of the Sovereign. It was not, however, even alleged that in the cases to which he was directing the attention of their Lordships there was any such necessity for the exercise of this power; it was quite certain that the letters of certain foreigners were opened and examined in the Post Office, although it was not alleged that the communications which those letters contained could have any possible connection with the safety of the realm or the security of the Sovereign. A petition was presented a few nights ago from a private individual, complaining that his letters had been opened in the Post Office, and that those letters contained nothing to justify such a course. The individual whose letters had been so opened was a person of eminent literary attainments, who was known to many persons in this country connected with literature, and by all of whom he was admired and beloved. That was one of the individuals whose letters had been so opened and examined in the Post Office. Another petition had been presented last night from another foreigner, who had never given any ground for such a proceeding by mixing up with politics in this country, although he had, perhaps, unfortunately for himself, been mixed up with liberal politics in his own country. He had taken refuge in this country, and was well received here, and respected by all those who were acquainted with him; and this was another individual whose letters were examined, and their contents, perhaps, made known in his own country to those who might be disposed to wreak their vengeance on him, but not having him in their power, might wreak it upon others who were connected with, or who were in communication with him. The effect of such proceedings on the public mind had been very striking—for his own part he would say that such proceedings filled him with feelings of shame and disgrace —and he could not help thinking that the noble Duke opposite, who had himself done so much to raise the character of this country, who was remarkable for the straightforward and openheartedness of his conduct, would not be satisfied with proceedings which tended to injure the character of this country by making it the police-office of other countries. He (the Earl of Randor) could not help thinking that the majority of their Lordships were opposed to such a course, and he could scarcely imagine that the noble Duke opposite was not hostile to it. Under these circumstances, he should beg leave to renew his Motion for an Address to Her Majesty, for a Return of all Warrants granted by Her Majesty's Secretary of State, or any one of them, for opening letters at the Post Office, from the 1st of January, 1841, to the present time.

The Duke of *Wellington*: My Lords, I ought to be grateful to the noble Earl for the handsome expressions he has used respecting myself, and I can assure the noble Lord I am very sensitive of the honour of my country. My Lords, I have a duty to perform in this House, as your Lordships have, in considering a Motion of this description. It is my duty to urge your Lordships to take upon this Motion that course which is most consistent with the public interests and the public security,

My Lords, Parliament has thought fit to intrust the Secretary of State with a certain power to issue warrants for opening the letters of individuals in the Post Office. This is a power which has long existed in this country, as I stated on the last occasion when this subject was discussed. It is a power granted during the reign of Queen Anne, and it has existed and been exercised ever since. This power was revised a very few years ago—in the last year of the reign of His late Majesty, and the first year of the reign of Her present Majesty; this power was renewed in the Act then passed; and there is a very curious circumstance connected with it—the Postmaster-General makes a declaration that he will perform his duty strictly according to the regulations, and that all letters shall be forwarded and delivered as directed, except when required by warrant from the Secretary of State to send the letters according to the terms of the warrant. Therefore there can be no doubt whatever of the power. It is a power vested in the Secretary of State, which I venture to submit to your Lordships the Secretary of State is bound to carry into execution whenever his sense of duty renders it necessary that the power should be carried into execution. Under these circumstances I conceive that your Lordships should well consider this matter before you enter upon any inquiry, particularly in this House, on the subject of the exercise of this power; and you should be very certain the power has been abused and used for improper purposes before you make any inquiry into it. My Lords, it is very true there have been questions, remarks, and discussions in another place on this subject; but I don't know that there has been any proof whatever that any of these letters have been opened, excepting that a warrant was issued for the opening of one letter. That is all of which there is any proof;—and I have no knowledge whatever on the subject. All I can say is this—unless your Lordships are convinced by evidence before you that there has been an abuse of this power intrusted to the discretion of the Secretary of State, your Lordships ought to resist the Motion made for Papers to throw any light on the subject. Under these circumstances, I earnestly recommend your Lordships not to consent to the address the noble Earl has now moved.

The Earl of *Tankerville* stated, that on the death of a relative of his, who had been twice Postmaster-General, certain papers had come into his possession, and among them he found a warrant directing the Postmaster to detain and open all letters addressed to or coming from all foreign Ministers, and that warrant was signed by no less eminent a man, renowned for his patriotic zeal in the defence of the rights of the people, than Charles James Fox. There was another warrant, showing the proper application of this power, directing that not a single letter, but all letters addressed to Lord George Gordon, should be opened. What he had stated showed that this power had been exercised from a very early period; and it was quite necessary, in his opinion, that such a discretion should exist in the Secretary of State.

The Marquess of *Clanricarde* said, it was impossible not to listen with interest to the statement which had been just made by his noble Friend, and which afforded a strong reason why the House should interfere. It appeared that such had been the mode of conducting the Post Office and keeping its records, that important documents which ought to be kept in that office had come into the noble Lord's possession. The noble Lord had referred to two cases as if they could afford precedents for those which they were now considering, but it ought to be recollected that they were cases which had occurred in former days, and at a very different time from the present. The first of those cases occurred at a time when we were on the eve of a war. [The Earl of *Tankerville*: During the American war.] The first of those cases occurred at a period when it was of the utmost importance to this country that the British Minister should know what passed between foreign governments; but in the case to which their Lordships' attention was now more particularly directed, the warrant was issued, not with respect to the letters of foreign Ministers, but with reference to the letters of a private individual—a foreigner residing in this country and under the protection of our laws. It was the letters of such an individual that were opened in this case. He (the Marquess of Clanricarde) had not seen the Motion of his noble Friend (the Earl of Radnor), and he would not, therefore pledge himself to vote for it, as the terms of that Motion might be too general to make it proper or

expedient for their Lordships to agree to it; but he should say, that it was impossible for the Parliament to pass over this occurrence, and not to enquire into the use and application of this power. It was said that this power had been in existence since the reign of Queen Anne; that might be very true, but they ought to consider the nature of the power. He did not know the history of all the Acts since the reign of Queen Anne on the subject; but if he looked to the Act under which this power was now exercised, he found not that the Secretary of State was empowered to do so and so, but he was protected by that Act from otherwise severe consequences, in case of opening letters. The Act did not say, that the Secretary of State was to do so and so, but the Postmaster was exempted from severe penalties by having the warrant of the Secretary of State for detaining and opening letters in the Post Office. It was evidently never intended to be applied to a case which might every day occur, but was intended only to be used in cases of great public emergency. It was admitted — it was morally proved in this case—that letters had been opened where there was no such ground for the exercise of that power. Mr. Mazzini's letters were opened, but it could not be supposed that they contained any communication which could affect the safety of this realm or the life of the Sovereign—it could not be supposed that any great public necessity existed for this, or that Mr. Mazzini was engaged in any proceeding which could affect this country. It was right that they should know why the letters of any individual were to be opened when they contained no treasonable matter, nor any communication which justified that course. The second case to which the noble Earl opposite (the Earl of Tankerville) had referred was that of Lord George Gordon, but in that case it was an Englishman who was concerned, and not a foreigner residing in this country, The warrant with reference to Lord George Gordon, was issued in relation to, he would not say a convicted traitor, for the jury were not inclined to find him guilty of constructive treason: but he was one whose course had been very different from the individual concerned in this case. He was looked upon by some as a madman, but he was a very mischievous madman, There was no analogy between the case of Lord G. Gordon and the present. In the case of Lord G. Gordon it was necessary, for the safety of society, that the power should be applied; but when they had cause to believe that the former practice had been departed from, of only using this power in cases of great public necessity, then he thought there was great reason to induce the Parliament to enquire into the matter. It was undoubtedly a power in the exercise of which confidence ought to be reposed in the Minister, and one in which he must necessarily be allowed a responsibility. But what was the meaning of "responsibility," if, when the application of it in any particular case was brought forward, all enquiry or explanation was refused. If any Cabinet Minister came down to either House of Parliament, and stated that he had grounds which convinced him that there was great reason to suppose that Mr. Mazzini was engaged in any treasonable conspiracy to overturn the Government of England, he (the Marquess of Clanricarde) would believe that there was no further reason for inquiry. He would give credence to any Cabinet Minister who would rise in either House of Parliament and state that he had reasons in his own mind deserving of credit which induced him to think that Mr. Mazzini was engaged in proceedings which made it necessary to continue such a surveillance over him. The noble Duke opposite said that the allegations in this case were not proved to the House. How, he would ask, could they be proved? How could anything be proved if no inquiry were granted? The noble Duke admitted that he knew nothing about the circumstances which caused the opening of those letters, which caused the exercise of a power that was hurtful to every man's feelings—the exercise of which was hurtful to his own (the Marquess of Clanricarde's) feelings. It might be proper that the Government should possess such a power, to be applied in some cases; for example, in such emergencies as Lord George Gordon's riots; but if the power were to be exercised for the good of the State, it ought to be exercised in a more public manner, and every letter so opened ought to have stamped on its cover "Opened by Authority." That would be the proper manner in which to exercise it, instead of using it without the knowledge of the individual whose letter was opened, and in a manner contrary to the principles

of the law, and to our feelings of honour and justice. It was against the principles of the law and the Constitution of England, to entrap men by their secret communications, and not to acquaint them of those proceedings in relation to them: it was a principle which ought not to be adhered to: for if the power were used, they ought to acquaint the persons concerned that they had opened their letters. If they were justified in opening the letters of an individual they ought not to be ashamed to tell him that they did so. They need not be ashamed to tell any individual that they opened his letters in consequence of his being engaged in villanous practices. He had not heard the Motion of his noble Friend (the Earl of Radnor) plainly enough to say that he should vote for it; but he should say that it was a subject which ought not to be allowed to rest there. He hoped there would be some inquiry, whether by a Committee, or the production of a particular warrant, which would enable them to see on the face if there were grounds for a Committee of Inquiry. It was necessary that they should know what were the grounds for such a course of proceeding; for practices of a hateful nature which were opposed to the principles of law, as well as what was hypocritically called responsibility.

The Earl of *Haddington*: My Lords, I believe if there be any one thing in which your Lordships will cordially concur, it is this, that there is nothing which ought to be held so sacred as private communications passing through the Post Office, and that no Minister can take upon himself a more formidable responsibility than to deal rashly or lightly, or without the most extreme necessity, with the power of opening any letter passing through the General Post Office. But, on the other side, I think your Lordships will admit that it is a power that has not only existed in this country in all times, but it is one which must always exist in every country that has a Government at all. Is it to be conceived that a Secretary of State, believing there is danger to the State—danger to the Crown—danger to the country in any matter of importance, and that it was the subject of correspondence through the Post Office, that he shall not have the power of averting that evil and preventing perhaps a great calamity by exercising that power. It seemed indeed to be admitted by the noble Lords opposite, that this power was necessary; but they seemed to think that anything which occurred abroad, in which any foreign Government was concerned, cannot possibly be the subject of the legitimate exercise of such a power as this. He heard with surprise the statement that they ought not to exercise that power with regard to a conspiracy out of this country, or when it was believed that such necessity for its exercise existed. I own that it ought not to be exercised without the utmost circumspection; but I can conceive plots being carried on on the Continent of Europe, and that it might be found very convenient for those persons who were engaged in carrying on those plots to reside in this country, under the security of the English laws, and yet those plots might be of a character to embroil this country and the whole world in war. I say that we cannot confine the exercise of this power merely to our domestic affairs, for the safety of England may be most seriously compromised by such plots, though the subject may have no immediate and direct reference to the domestic affairs of this country. The power, no doubt, is a very odious one. It must be a most unthankful power for the Secretary of State to hold, and from its very nature it is one of the exercise of which it is almost impossible for him to make any disclosures, and if your Lordships, without any Parliamentary ground being made, were to interfere with the exercise of this power, and to deny that confidence, which was not free and voluntary, but a necessary confidence, in the Secretary of State, it was a necessary consequence that however essential it might be to the safety or security of the country, the power must virtually cease to exist. I hold that no Parliamentary ground has been laid for any interference in the present instance. There was nothing in the conduct of the present Government more than in the conduct of the late Government, or of any other Government, to lead to the supposition that this power has been wantonly or unnecessarily exercised. It is possible that the Secretary of State may have been misinformed; but I know nothing about that. The Secretary of State may have been misinformed, but if he had good grounds for believing that the letter in question was dangerous, is that to form the subject of a public inquiry? If such a course were to be adopted, this power, which, I say, ought to exist in this and every other country, can no longer

exist. In the case of Lord George Gordon, which has been referred to, this power had been very properly exercised. Though at present there is "neither war, nor rumours of war," though there were no riots agitating the metropolis, yet it might be necessary for the Government to exercise as much circumspection as at any other time, and he hoped their Lordships would not deny that confidence, which it was desirable, for the security of the country, should be placed in the Secretary of State for the Home Department, and that they would not agree to the Motion.

Lord *Campbell* expected, after the challenge of the noble Marquess, that some Member of Her Majesty's Government would have risen in his place and declared that on this occasion there had been no abuse of the power which the law had vested in the Secretary of State. With such a declaration he was sure the noble Marquess would have been perfectly satisfied; but no such declaration had been made. The first Lord of the Admiralty said that he was quite unacquainted with the circumstances, and the noble Duke said he knew no more about the matter than the noble Lord who introduced the question—now this was rather extraordinary. It had been a matter of notoriety that for some days past a charge had been brought and reiterated against the Government, against the Secretary of State for the Home Department; and considering the nature of that charge, he (Lord Campbell) should have certainly thought it would have been matter of discussion in the Government—nay, that it was matter of sufficient importance to have been discussed in the Cabinet; but here the only two noble Lords connected with the Government, who had spoken in this debate, said they knew nothing of the matter. Now, see how alarming was their opposition to the Motion of his noble Friend,—for had the greatest abuse been practised, the very same answer might be given to any Motion for enquiry. Let any case be presented to the House of the most unjustifiable violation of private correspondence, whether to gratify the malignity of some foreign potentate, or for some other purpose; the Secretary of State would acknowledge nothing—he would not admit that he had been doing what it did not become a Minister of the Crown of England to do,—that he had been permitting the Government to be made instrumental in persecuting a person who had taken refuge in this country from a fallen state. They never could have any such evidence as a Parliamentary ground for inquiry. Suppose there was the greatest reason for believing that the power vested in the Secretary of State had been abused, and that inquiry was sought for, the Secretary of State might say, "Oh, my mouth is closed, I will not answer a word," while all his Colleagues might reply, "We know nothing about it." This was a power which undoubtedly ought to remain vested under certain regulations, and to be exercised in great emergencies, in the Government of the country, just as it was proper that the Government should have the power of breaking open houses or desks, in great emergencies. Between breaking open letters at the Post Office, and breaking open desks, there was very little difference, except indeed that the former was much worse, because that was done in secret, and was a breach of confidence, extending in its effects over a far wider field; but certainly a Secretary of State could never be justified in opening a letter at the Post Office, except under circumstances which would warrant him in seizing and opening a house or desk. It appeared to him (Lord Campbell), that a clear *prima facie* case for inquiry into this matter had been made out. Witnesses had not been examined at the Bar, but they had as much evidence before them as the nature of the case would allow. Here were two foreigners, the one an Austrian subject, the other a Pole, who distinctly stated that their letters had been opened at the Post Office; and the fact alleged having been established to the satisfaction of any reasonable man, he should have thought it the duty of the public officer referred to, at least, to state on his own responsibility, that he had opened these letters for the sake of the public safety, and not to gratify any foreign potentate's malignity; but no such statement had been elicited, and the public had arrived at nothing beyond the admission that certain letters had been opened. Why they had been opened, on what pretence, the Secretary of State had not condescended to expound. Surely it was monstrous, that in a time of profound peace abroad, and when there was no appearance of domestic treason or disturbance, such a gross violation of private correspondence should take place. It

appeared to him perfectly essential that the matter should not be allowed to rest in its present position. The character of the country had been compromised, and it was abolutely necessary to lose no time in wiping off the stain which the honour of England had sustained; and to this end further inquiry was requisite.

Lord *Brougham* wished to set their Lordships right respecting what had been said of a noble Lord now no more. His noble Friend near him observed, that the statement of his noble Friend opposite was an additional reason for watching the exercise of this power, since one of its consequences was, that persons took public documents away from the public office where they ought to remain. Never had there been so unreflecting a charge made against any deceased or living person in the world. The warrant was in the proper custody when in that of the Postmaster General. It was his justification, his defence. The Post Office was not its proper place, and had nothing to do with it. The document was *functus officio*, and one which ought to have remained in the custody of Lord Tankerville, who was liable to an indictment for having violated the Act of Parliament, and whose only defence was the possession of the warrant. Respecting the Motion of his noble Friend, no one felt more strongly than he (Lord Brougham) did the importance of the subject, every one being more or less interested in the safety of communications through the Post Office. The power vested in the Secretary of State was one of a most odious description, and one over the exercise of which the strictest vigilance of the Legislature was required. But he did not see how they could fairly call for inquiry into the conduct of that public officer on the assertion that the power had been exercised—for it was not even charged that it had been abused—the statement being that Mr. Mazzini's letters had been opened, and that he was a respectable man. That was a very slender case against his right hon. Friend the Home Secretary. Mr. Mazzini might be a respectable man, and yet be so engaged in political matters as to have made it advisable for the Secretary of State to direct the opening of his letters in the Post Office. He did not know whether his right hon. Friend so directed or not, but he maintained that that was not a sufficient reason for the proposed inquiry. He knew of no instance in which a Secretary of State had ever been called on to produce the warrant under which this power was exercised, although he admitted that he was liable to be so called on to do so. Let the Secretary of State be called upon for a full explanation of the matter if good ground can be shown, which in this case had not been done. Another answer to the Motion was, that it could do no good. So far as its object might have been to produce discussion, it had been attained; but he did not see that the production of the warrant would throw any light upon the subject. He understood his noble Friend opposite to state that all the warrants he had seen were in the same form of words, and that they merely directed the Postmaster General to stop all letters to A. B. [The Earl of *Tankerville*: To stop all letters directed to or coming from all foreign Ministers of whatever rank, and all other letters of which specific notice had been given.] Then supposing this Motion to be granted, they would be just as much in the dark as ever, because the warrant would merely show a direction to stop all letters to and from Mr. Mazzini. One word respecting Mr. Fox. It was painful to think that so illustrious a name and one so particularly dear to all friends of liberty, civil and religious, should be mixed up with the exercise of a power of so odious a nature, and, moreover, with so very strong and sweeping an exercise of it. But then the crisis at which he issued those warrants was one of a peculiar nature—it was at the end of the American war—and, if he mistook not, at the time when the Armed Neutralities of the Northern Powers confederated against this country's naval rights, and when they were endeavouring to sweep within their net as many Foreign Powers as they could for the purpose of extending their maritime league.

Lord *Denman* said, he did not consider this Motion as any impeachment of the Secretary of State for the Home Department, nor was he aware of any circumstances which would lead him to say that the Secretary of State had acted improperly in the exercise of this most odious and perilous power; but he thought that circumstances had appeared, and were at present the subject of public discussion, connected with the exercise of that power which made it imperative upon Parliament

to inquire into the mode in which it was exercised for the purpose of seeing whether or not it might not be necessary to apply, hereafter, proper limits to that power, whether certain restrictions should not be imposed upon the exercise of it, and whether rules should not be laid down within which alone the power could ever be usefully, beneficially, or with any consistency with honour exercised at all. It appeared that a letter had been opened from an individual who did not appear to be involved in any treasonable correspondence whatever. He did not mean to deny that the Secretary of State might have been bound to open that letter; for one of the unfortunate circumstances of the power he possessed was, that the Secretary of State was compelled in a measure, to exercise that power in the dark. Their Lordships had been told of responsibility. What! responsibility in the dark? How could there be any responsibility where public opinion could not act? Responsibility to the House of Commons? No; it was a matter of secrecy, which the Secretary of State, by the nature of the supposed duty, could not disclose. Was he responsible to the House of Lords? No; the House of Lords must suppose that the Secretary of State had done what he felt justified in doing. Was he responsible to the Government? No; because the noble Duke and the other Members of Her Majesty's Government had no knowledge whatever upon the subject. Now, he (Lord Denman) questioned very much, even upon the wide and extensive words of the Act, whether it was ever intended to give the Secretary of State this absolute power which he exercised; because what was the language of the statute of Queen Anne, which, he believed was the first Act on which all the others rested? It said that the Post officers should be subject to imprisonment and to the visitation of the law if they delayed any letter except under the warrant of the Secretary of State. How did that show in what manner the Secretary of State was in the habit of exercising his power in the time of Queen Anne? He thought it far more probable that the warrant would flow, not from the Secretary of State as an individual, but from the Secretary of State acting in concert with all the Ministers, and representing the Government, — from a sense of the necessity of the case,—that the necessity of the case might be so overpowering as to form an excuse for the violation of all law no one would deny; but that the power should be supposed to exist in a manner so oppressive as it may have been, without the slightest opportunity of any reparation or any responsibility, was what he did not think an English Parliament or the English people would any longer endure. He did not consider this a question of expediency or inexpediency—he thought it a question of right and wrong. He could no more believe it necessary to show that such a power ought not to be vested in the discretion of any individual, than he felt it necessary to argue that it was wrong to pick a pocket. It might be very necessary, where crimes were impending and requiring active measures to prevent them, that measures of personal restriction of the property which a man had about his person should be exercised, but that it should flow from an Act of Parliament, giving this completely undefined and irresponsible power, was what he could not believe. With respect to what had been mentioned on the subject of Mr. Fox having issued a warrant, which was in possession of a noble Friend opposite, no doubt Mr. Fox coming into office at the time he did—a time of the utmost disturbance both foreign and domestic, when all Europe was leagued against England, and England was by no means at peace within herself—no doubt it would have been a wild abandonment of any power which he possessed, if he had not issued the usual warrant to the Postmaster of that day. But he thought the doing so must have cost Mr. Fox very dear. He (Lord Denman) should like to know the feelings of any Secretary of State when he first found himself in the execution of his duty, opening a private letter, becoming the depositary of the secrets of a private family, becoming acquainted with circumstances of which he would wish to be ignorant, meeting an individual in society, and knowing that he was in possession of secrets dearer to him than his life. He thought Mr. Fox would have said to himself under such circumstances,—

"Res dura, et regni novitas me talia cogunt
Moliri."

But it must have been an afflicting circumstance when he found it necessary to give such an order. He thought it was right for the Postmaster of that day to keep the warrant as a protection for himself against the operation of that law. It had been said by a noble Friend, and said truly, that some political rival or political

enemy, might have succeeded him in that department, and that he might have been improperly called on to answer for that which was no crime, and, therefore, it was necessary for him to keep the warrant for his own justification. Supposing he had been rash enough with the experience he possessed, to transmit the warrant to his successor, his successor might have deprived him at once of his defence, and then he might have been punished for the act which he was originally justified in doing. Fortunately there was an inconsistency in human nature that prevented people who did possess, and who sometimes were compelled to exercise hateful powers, from acting consistently with themselves upon other occasions; and a high and dignified character might be incapable of abusing a power to the extent which was now supposed; although it never could be exercised without giving great pain to any honourable mind called upon to exercise it. But he (Lord Denman) could not help thinking, that the possession of such a power, and after what he had seen in the newspapers this morning, the circumstances of concealment, and something very like forgery, had a tendency to demoralise the public mind. It was known that some of the subordinate officers in the Post Office were in the habit of overlooking the obligations which honesty would impose upon them, and he could not think that the knowledge that the great heads of that department, and persons of superior positions exercised such a power as that now complained of, would have the effect of correcting their feelings with regard to letters intrusted to their care. It appeared to him (Lord Denman) most preposterous that when the Government imposed upon the people of this country and of all parts of the world the necessity of paying them a large revenue for doing the duty of letter-carriers, they should at the same time retain in their hands the power of opening all the letters confided to their care. [The Duke of *Wellington*: It is a power conferred upon them by Act of Parliament.] I am quite aware that it is given by Act of Parliament. [The Duke of *Wellington*: Then repeal the Act.] He thought it might be a very important question whether or not the Act should not be repealed; or, at least, whether restrictions might not be imposed which should leave a certain degree of power much more definable and responsible than that existing at present—a power subject to the revision of Parliament. He apologized to their Lordships for detaining them with these observations; but this subject not having occupied his mind until these transactions were recently brought under public notice, he had considered it, and thought it necessary to declare his conviction that there ought to be some restrictions put upon the exercise of this power.

The Earl of *Devon* thought the hon. and learned Lord had opened rather a different case than that put by any preceding speaker; for he had gone to the taking away this power entirely. The simple question was, whether this power being admitted to be given by Act of Parliament to the Secretary of State to order the opening of a letter, it would answer any good purpose now to call, in the terms of the Motion submitted to their Lordship's House, for a copy of the warrant which, it was admitted by all, had been issued according to the Act of Parliament.

Lord *Brougham* said, he held in his hand a Return from the Office of the Great Seal of all the warrants from the Foreign Office, directing their Lordships to put the Great Seal to the various foreign treaties, and those warrants remained in their Lordships' custody.

The Marquess of *Clanricarde* did not attempt to deny the practice as pursued in the Court of Chancery.

Lord *Brougham*: The Chancellor is responsible, no doubt, for all the Treaties; but the Postmaster would be guilty of felony were he to open a letter without a warrant. It was, therefore, desirable for him to retain possession of it.

Lord *Radnor*, in reply, said, that after what he had heard from both sides of the House he should not press his Motion to a division; but withdraw it, meaning upon some future occasion to bring it forward in another shape. In what form he should again introduce this subject to their Lordships' attention he should take a little time to consider. He could understand why the noble Duke could not state whether or no this transaction was the consequence of some intimation from a foreign power, because he afterwards said he knew nothing at all about it. He apprehended that a Secretary of State would not go to his Colleagues to ask them if he should issue a warrant or not. But after this matter had been discussed so much, after it had been brought forward in the

House of Commons, and mentioned by him in their Lordships' House, and again debated in the House of Commons on the previous night, and after the great sensation it had created in the country, it was not a little singular that all the Cabinet Ministers except the Secretary of State, who issued the warrant, should know nothing about it. If any one of those noble Lords opposite had got up and stated that they knew that there were sufficient grounds for issuing the warrant, he should have been ready to believe him; but none of them had ventured to say that. But the ignorance of the noble Earl at the head of the Admiralty was made rather more onerous than if he had known anything about the matter, by the attempting to justify the conduct of the Home Secretary by supposing the existence of some political intrigue against a foreign power, and affirming that a Secretary of State might open a letter which might lead to the opening of a war in that foreign state, which war might possibly lead to the opening of a general war. That was rather a far-fetched justification. He did not admit that the opening of a letter was a slight injury. One letter was spoken of; but a great many letters had been opened, and the practice had been going on for a length of time, which would be proved before a Committee of Inquiry. The letter of a gentleman might be pried into for the gratification of some enemy, or, as it was surmised, to pander to the purposes of some foreign power. Thus individuals were injured, and the character of this country degraded. This was a subject upon which the country felt keenly, and demanded inquiry and a proper understanding. He should again bring forward the subject, but should meanwhile consider the mode in which he should do so.

Motion withdrawn.

CHARITABLE BEQUESTS (IRELAND).] Lord *Wharncliffe* moved the second reading of the Charitable Donations and Bequests (Ireland) Bill, and, in so doing, went into an explanation of the reasons which had induced the Government to introduce the measure, and also a description of its provisions. The whole object of the Bill was, in fact, to make a new and improved Commission of Charitable Bequests, named by Her Majesty, with duties and offices properly defined. He had said, on a former occasion, that the intention of the Government was to find some means of facilitating donations for the benefit of the Roman Catholic Clergy of Ireland, and this Bill provided that any one who wished to make such a donation or bequest might constitute the Commissioners trustees for that purpose, and they would be bound to administer the same for the benefit of the Roman Catholic community. There was also a provision for securing an audit of the accounts of the Commissioners. The noble Lord concluded by moving the second reading of the Bill.

The Earl of *Wicklow* said, he would confine himself to the latter part of this Bill, which went to allow persons to leave land or money to the Roman Catholic priesthood. It appeared that this subject had been under the consideration of Her Majesty's Government, and so far he received the Bill with gratification, because it went to alter the position in which the body of the Roman Catholic Clergy now stood. He thought their present position, with the power which they exercised, the most dangerous that could be; and, therefore, he hailed with pleasure any measure which was likely to alter their position; but this was the very extent of the approbation which he could give to this measure. He thought the alteration was one which went in the wrong direction. What he wished to see and what he wished to impress upon their Lordships was, that it was expedient, that it was desirable, and that it was necessary for the safety of the United Empire, that a provision in connexion with the State should be made for the Roman Catholic Clergy in Ireland. If a large portion of the land in Ireland were to be left to a large body of the Roman Catholic Clergy, they would be left under this Bill independent of the State—possessed of large estates, but independent of and unconnected with the State. He hoped that, as Her Majesty's Government had brought forward this limited measure, they would bring forward more comprehensive measures for the purpose of carrying out this great object.

The Bishop of *Exeter* was willing to join the noble Lord the President of the Council, in putting the bequests or endowments to the Roman Catholic clergy on the same footing as other dissenters. But he should resist to the utmost any attempt

to adopt any such proposition or suggestion as that thrown out by the noble Earl. Much greater and graver considerations than those of expense would induce and compel him (the Bishop of Exeter) to resist such a proposition, from whatever quarter it might proceed; and he rejoiced to see that there was not the slightest intention on the part of Her Majesty's Government of making a provision for the Roman Catholic clergy by the State. It was inconsistent with the support of an Established Church, to support a religion which was opposed to that Church. He might be told, perhaps, of the *Regium Donum;* true, that those were exceptions, but those exceptions like many other exceptions, only showed the necessity of adhering to a general rule. Upon this ground he felt it was necessary to express the satisfaction with which he hailed this measure as propounded by the noble Baron; and he hoped that as he had shown his readiness to encourage the liberality of all classes of men in supporting the religion to which they belonged, by acts of self-denial—so he hoped there would not be that most morbid sensitiveness which prevailed against increasing the endowments of the Church.

Lord *Monteagle* expressed his entire assent and sanction to the present measure. By creating a corporate body for receiving property in trust for the Roman Catholic clergy, and thus obviating any legal doubt that might exist, Parliament would confer a great boon upon them. He would throw out to the noble Lord a suggestion for one amendment in the Bill. The Bill contemplated the mere dotation of the Roman Catholic clergy in parishes; but there was another class of trusts, somewhat analogous, which might be brought within the provisions of the Bill—he meant gifts of land to build churches. By the introduction of one or two words, the provisions might be extended not only to the minister of the parish, but to the building of places of worship. He should not approve of the Bill if he thought it stood in the way of that larger and more important measure referred to by the noble Earl. As far as this measure went, he believed it would have the effect of raising the character of the Irish Roman Catholic clergy, and of making them independent of that pressure of popular opinion which now acted upon them. The noble Lord concluded by strongly urging the expediency of improving the College of Maynooth, by a more liberal grant of public money, for the education of the Catholic priesthood of Ireland.

The Earl of *Haddington* said, the noble Earl though he seemed to approve of this Bill, yet lamented it did not go farther, and thought it offered a bar to the consideration of the greater question. [The Earl of *Wicklow*—No: I said it was a step in the wrong direction]. He had thought that it was in opposition to the views of the noble Earl that the right Rev. Prelate had expressed his hope that no such measure would be brought forward; but he could not conceive on what the apprehensions of the one, or the hopes of the other were founded. The question was one of the greatest difficulty, and he could not conceive how the Bill touched the question of a provision for the Roman Catholic clergy. The question of endowment could remain as it stood before: this Bill was intended as an act of kindness and justice to the people of Ireland, and to the Roman Catholic clergy.

Lord *Hatherton* entered at some length into an examination of the condition of the Roman Catholic clergy, and the means afforded by Government for the education of their priesthood. The means provided for the maintenance of that clergy, which might be denominated from the numbers of its professors the National Church of Ireland, were totally inadequate to support them in respectability. Their present condition was a reflection upon the Government of this country, and called aloud for the interference of the Legislature. The niggardly grant yearly made to the Maynooth Seminary was unworthy of the Government to propose and of the Catholic body to accept. It was the bounden duty of a good Government to make a competent provision for the education of the young men intended for the priesthood, which in Ireland exercised so great an influence upon the morals and the feelings of the general mass of the community. The disproportion existing between the comparative amount of the Catholic and Protestant portion of society in many of the different dioceses rendered the inadequacy of the remuneration of the Catholic clergy the more shocking and lamentable. In some of the dioceses the Protestant portion of the inhabitants was not above 5 per cent., in others not 3 per

cent. upon the whole population, and in that of Kilfenora, the Protestant portion of the inhabitants was but the fifth of a unit compared with the total population of that diocese.

The Marquess of *Clanricarde* also expressed his entire approval of the Bill. He strongly condemned the niggardly grant made for the education of the Catholic clergy in Ireland at Maynooth. He hoped that the Government would take the whole subject into consideration, with the view of putting that establishment on a footing becoming the nature and the important functions which were entrusted to it. He regretted to see in this Bill language which seemed to apply a doubt as to the Establishment of the Catholic Church in Ireland, as the words Roman Catholic Ministers were used instead of the Bishops and the clergy.

Motion agreed to. Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 25, 1844.

MINUTES.] BILLS. *Public.*—1°. Field Gardens; Sudbury Disfranchisement; County Rates; Butter and Cheese. 2°. Necton Tithes.

Reported.—Detached Parts of Counties.

Private.—1°. Mackenzie's (Scatwell) Estate; Mackenzie's (Seaforth) Estate.

PETITIONS PRESENTED. By several hon. Members (9), against Dissenters Chapels Bill.—By Mr. R. Scott, from Birmingham Law Society, against Ecclesiastical Courts Bill. — By Mr. Bateson, from Burt, and Mr. Duncan, from Dundee, for Legalizing Presbyterian Marriages.—By Mr. Compton, from Warnford, and Mr. O. Stanley, from Llansannan, against Union of St. Asaph and Bangor.—By many hon. Members (902), against Repeal of the Corn Laws.—By Mr. Bouverie, from Lyneham, in favour of Repeal of the Corn Laws.—By Capt. Pechell, from M. E. R. Shuttleworth, complaining of delay (Income Tax.) — By Mr. Baird, from Glasgow, respecting Arrestment of Wages (Scotland).—By Mr. P. Howard, from Printsellers of Carlisle, against Art Unions.—By Mr. Stafford O'Brien, from Stratford-on-Avon, against Bank Charter Bill.—By Mr. Compton, from West Meon, in favour of County Courts Bill. — By Captain Gordon, from Ellon, for bettering Schoolmasters (Scotland).—By Mr. Parker, from Sheffield, against Smoke Prohibition Bill.

RELATIONS BETWEEN FRANCE AND MOROCCO.] Lord *J. Russell* rose to put a question of which he had given notice, with respect to the relations between France and Morocco. He had delayed his question upon this subject until sufficient time had elapsed for such communications as it was probable would take place on the matter between the Government of this country and that of the King of the French. It appeared that a French force had been collected in their territory of Algiers, that a considerable reinforcement had been sent out, and that the whole force there did not amount to less than 100,000 men, being equal to the number of men which by the army estimates were appointed for the whole defence of this great Empire. Lately actual hostilities had taken place on the frontiers of Algiers and Morocco. Whether those hostilities had been provoked by the Morocain chiefs, as stated in the French newspapers, or whether the Sovereign of Morocco had any other account to give of the origin of the hostilities, he was not informed; but anything which might lead to hostility, and still more, to open war and invasion on the part of France against Morocco, could not but excite great interest in this country, which had relations of peace with the Emperor of Morocco, and with which a Treaty had been signed by us in the year 1821, and subsequently recognized in 1824. That Treaty provided that the persons and property of the English subjects in Morocco should be protected. There was also an article in the Treaty with respect to the provisioning of Gibraltar, which showed that it was considered by the parties who framed the Treaty to be of the utmost importance to the safety of Gibraltar, in case it was besieged by hostile powers, to have the means of being supplied with provisions from the State of Morocco. It was evident that any aggression on the part of France must be looked at with anxiety, if the policy which it pursued on the coast of Barbary would act in any way injuriously to the interests of that country. No doubt the noble Lord, the Secretary of State for Foreign Affairs, was in communication with the Ministers of the King of the French upon the subject, and he would, therefore, wish to ask the nature of the explanations and statements made by the French Government as to the origin of the hostilities that had taken place, and as to the extent to which they were proposed to be carried on the part of France. There was another point, also, upon which he wished to ask a question, viz., as to the instructions which had been given to the admiral who had been lately appointed by the French Government to the command of a squadron destined for the coast of Morocco. He alluded to his Royal Highness the Prince de Joinville, the men-

tioning of whose name ought to be, he considered, sufficient to make the Government of this country jealous of the instructions which had been given to him. It was not unusual for a Government to communicate the instructions, or the substance of the instructions given by them to a commander of a squadron sent with a view to hostilities to a foreign coast. He wished, therefore, to know whether the French Government had communicated to that of this country either the instructions or the substance of them which were given to his Royal Highness the Prince de Joinville, when he went to take the command of the squadron ordered to the coast of Morocco.

Sir *R. Peel* said, that the noble Lord had given him notice of the tenor of his question, and he was therefore prepared to give an answer as far as was consistent with his sense of public duty. He concurred most fully in the observations made by the noble Lord as to the importance to this country of its relations with the Empire of Morocco. It was impossible to feel an interest in that empire without being filled with anxiety at its present position. The amicable relations subsisting between this country and Morocco, and the very faithful manner in which the latter discharged its relations to us—when combined with its physical position, made its present political relations a matter of deep and just interest to Her Majesty's Government. As to the question put by the noble Lord, he had to state that the French Government had entered into full and unreserved explanations with Her Majesty's Government as to its relations with the Emperor of Morocco. It had given a voluntary and positive assurance of its earnest wish to avoid hostilities with the Emperor of Morocco; and it had stated that the circumstances which led to the interruption of the peaceful relations existing between Morocco and France were mainly owing to the fact that the chieftain, now so well known, and who had distinguished himself so much, Abd-el-Kader, had nine times out of ten, when pursued by the French arms, sought refuge in the dominions of the Emperor of Morocco, and had been enabled by the aid of the subjects of the Emperor, if not by the Emperor himself, to renew his attacks on the French frontiers. That led to the concentration of the French forces on the boundaries of the Morocain Empire. The actual hostilities, of which accounts were some short time ago received, were, he believed, not premeditated, nor had he any reason to believe that these hostilities on the part of the Morocain forces were committed by order of the Emperor, but were rather a casual rencounter from the hasty zeal of troops not accustomed to the usages of modern warfare as carried on in civilized countries, and without any express direction. He sincerely hoped that that alone would not necessarily lead to the interruption of peace with France. More recent accounts had reached town to-day by telegraphic communication, for Government had no other means of information on the subject, announcing the renewal of hostilities on the part of the Morocain army while, as it appeared, the leaders of the two forces were engaged at an amicable conference. He had already stated that the French Government had notified, that nothing was further from its wish than to promote hostilities with the Emperor of Morocco, and expressed its regret at the necessity which it was under of taking effective measures to prevent the incursions into their territories of Abd-el-Kader. The French Government had communicated very frankly the course which it intended to pursue, and the demands which it would make upon the Emperor. And it also stated the ulterior means which it intended to adopt if such were necessary. That statement included the purport of the instructions which had been given to the French Admiral, the Prince de Joinville. He was quite certain that the noble Lord would not expect him to state what the purport of those instructions were. The British Government placed implicit confidence in the declaration which it had received from the French Government, being perfectly satisfied with its assurances, but he could not, consistently with his duty as a Minister of the Crown, make any other declaration at present. When the occasion required it, he would make such further statements as were necessary.

Lord *J. Russell* said, that he would not press his question more closely at present, but, contenting himself with the assurances which had been made by the French Government, he would reserve the right of putting his question in a more specific form, should circumstances arise to warrant his doing so.

THE COMMITTEE ON GAMING.] Viscount *Palmerston* wished to know whether the Government intended to bring forward during the present Session any measure founded on the Report which had been made by the Committee on Gaming?

Sir *J. Graham* said, that he had seen the very able Report of the Committee referred to, of which the noble Lord (Lord Palmerston) was Chairman, but, though he concurred in many of its suggestions, he was not prepared to bring in any measure on the subject in the present Session.

Viscount *Palmerston* was not surprised at that determination of the Government, considering the state of other business and the period of the Session; but he hoped the Government would not object to bring in a Bill to continue for another year the Act for suspending certain legal proceedings, which had been passed with reference to this subject.

Sir *J. Graham* said, that no suggestion had been made in the Report of the Committee of such a measure as the noble Lord now alluded to; and he must say that he was not prepared to undertake the conduct through the House of such a Suspension Bill in the present Session.

STATE TRIALS (IRELAND.)] Sir *R. Peel* called the attention of Mr. Wyse to the fact that the right hon. Gentleman had given notice of a Motion relative to the Irish State Trials for the 2nd of July. Now, he had reason to believe that the Writ of Error was fixed for hearing in the House of Lords on the 4th of July. He was sure that it would then be proceeded with in the House of Lords, and in that case it would be impossible for the Law Officers of the Crown—it would be impossible for his right hon. Friend the Attorney General for Ireland to give that attention to the subject which would be desirable, to give it at the same time that he was obliged, and necessarily obliged, to give all his attention to the proceedings before the House of Lords. If the Writ of Error were then to be brought before the House of Lords on the 4th of July, he trusted to the sense of justice of the right hon. Gentleman not to bring on a Motion so immediately connected with what was the subject of that Writ of Error on the 2nd of July.

After some conversation,

Mr. *Wyse* said, the proposition of the right hon. Baronet to give up a Government day in lieu of Tuesday, if sufficiently early not to interfere with the question itself, or the convenience of Irish Members, materially altered the arrangement; but he could not answer until he first conferred with them. He therefore deferred any further reply until to-morrow.

SEES OF ST. ASAPH AND BANGOR.] Mr. *W. O. Stanley* said, he had to beg the indulgence of the House while he briefly stated the grounds on which he had decided not to persevere in the Motion of which he had given notice, "for leave to bring in a Bill to repeal so much of the Act of the 6th and 7th of William 4th, cap. 77, as relates to the Union of the Sees of St. Asaph and Bangor." Hon. Members were no doubt aware that in another place, a Bill had been introduced having the same object in view,—that it had been read a second time, had gone to a Committee, and there was little doubt would be sent down to the Commons, when an opportunity would be given for fully discussing the question. There was, therefore, no necessity for discussing it at present, and the less so, as the friends of the measure were now in a different situation with respect to it from what they had been. Under these circumstances, he thought he was in a situation to call on the right hon. Baronet at the head of the Government, to state more explicitly than he had yet done what his intentions were with respect to the measure. He did not say this with the view of forcing on a discussion of the question now, but a rumour had gone abroad that this was one of that class of Bills with respect to which the consent of the Crown must be signified before it could be allowed to proceed, and the question which he wished to put to the right hon. Baronet on the subject was this—whether, if the consent of the Crown should be considered necessary, it would be withheld by the Government?

Sir *R. Peel* observed, that if the hon. Gentleman had persisted in his intention to make his Motion, then he should have had the opportunity of stating fully his opinion as to his Motion. At the same time, he did not wish to shelter himself under any technicality; but if he had brought forward his Motion for the repeal of the Act 6th and 7th William 4th, and of the Order in Council, he should have opposed that Motion. With respect to the

withholding of the consent of the Crown he was not called upon to say whether the consent of the Crown should be given to a certain Bill, for that was a question that involved complicated considerations. He did not, however, hesitate to say that if the Speaker should decide that in the House of Commons the consent of the Crown would be necessary—then, in that case he should not feel it to be consistent with his duty to advise the Crown to consent to it.

Mr. *W. O. Stanley* was not to be understood as shrinking from the discussion of the measure. The sole reason that influenced him not to bring forward the Motion was, that considering the state of the question elsewhere, it would be most inconvenient and most unusual to bring it forward.

Subject at an end.

ABOLITION OF THE CORN LAWS.] Mr. *Villiers* rose to move the following resolutions:—

"That this House do resolve itself into a Committee, for the purpose of considering the following Resolutions;—

That it appears, by a recent Census, that the people of this country are rapidly increasing in number;

That it is in evidence before this House, that a large proportion of Her Majesty's subjects are insufficiently provided with the first necessaries of life;

That, nevertheless, a Corn Law is in force which restricts the supply of food, and thereby lessens its abundance;

That any such restriction having for its object to impede the free purchase of an article upon which depends the subsistence of the community, is indefensible in principle, injurious in operation, and ought to be abolished;

That it is therefore expedient that the Act 5 and 6 Vic. c. 14, shall be repealed forthwith."

Mr. *Villiers* said: Sir the purpose of the Motion of which I have given notice is once again to bring under the consideration of this House, that most just and important claim made on the part of the community at large, that the trade in our first great necessary now restricted by an Act of this House, should, in future, be unfettered and set wholly free; and I can most truly say that, if I could persuade myself that the power with which the subject was presented to the House could in any way affect its success, that I would not again have become the instrument for proposing it. This however, Sir, is notoriously not the case. I have upon two occasions before in this Parliament made a similar Motion, and have been supported by other Members with the greatest ability, who have left nothing unsaid that could be urged in its favour; and they have done so in vain. It may then perhaps be asked, upon what grounds it is that I again make the appeal. Sir, I think I may take credit for not adopting this course without due consideration, and that I should not have hastily decided upon a course which was more likely to injure than advance the cause. Had those who are united with me in opinion on this subject remained silent upon it during this Session, our opponents would not have been slow to infer that, either from their vast influence or powerful eloquence, we had fled from the field, or that we were satisfied with the former decisions of this House. A notion certainly most foreign to the fact. But I think the public might have concurred in this view had we remained silent, considering the novel attitude which the country gentlemen have assumed on this question during the past year. Those gentlemen have lately deemed it expedient, with the hope of influencing public opinion in favour of their law to descend into the field of public agitation; and to refer their case to the same tribunal to which that body who, in self defence, are now leagued together to oppose the Corn Law have found it necessary to appeal. The meetings of those gentlemen appear to have been somewhat select, and they seem to me rather to have agitated themselves, than to have succeeded in awakening much sympathy in others; yet, inasmuch as their professions appear somewhat large in print, and as has been shewn no lack of confidence on the other side, it would have been curious if, when both met together, on this common ground, no occasion had been taken of expressing face to face the conflicting arguments which each are in the habit elsewhere of using. The public expected such an opportunity of judging fairly between the contending parties as to which have the right on their side; and for my part Sir, I see no reason for despair, and much ground for hope, in the continued discussion of this question; for I am unable to explain otherwise than from conviction on the part of the Government of the substantial justice of our cause, why they have not allowed any Session, nay, why they do not allow

any month of any Session, to pass without abandoning some portion of the ground on which the system to which we are opposed is based. I do not say this from any idle purpose to make mischief between the two sections of the opposite party, because I feel no respect for that blindness or that boldness on the part of those opposite which is not ready to defer to the greater experience and greater ability possessed by the Government, in saying how far and when it is necessary to abandon that which they are neither able to keep or entitled to possess. It seems to me that we are deriving all the advantage from discussion which a cause based on truth and justice is likely to secure. We are gradually gaining ground in public opinion, whilst those who are opposed to us are rapidly and steadily losing it. Public opinion, fortunately, possesses great influence in this country, and discussion has great influence in forming that opinion; and deference is so far felt to be due to it, that any law or institution which is assailed must be defended on public grounds. The difficulty with hon. Gentlemen opposite in arguing this question is, that they are unable to rest its defence on its true ground, and it is somewhat awkward to assign any other; for the instant that it is attempted to defend this law upon public ground, that defence becomes the subject of the closest inquiry; it is sifted and tested in every way to examine if the plea is hollow or true; and there is no one ground which I have heard since I came into this House that has not now been thoroughly examined, and in my judgment completely exposed. I am curious, therefore, to hear what fresh ground is on this occasion to be taken. The ground upon which it was first placed before that was tested by experience was certainly the most plausible, since which it has proved to be the most foolish on which it could stand—namely, that it was dangerous for this country to be dependent for its supply of food on other countries, and that, on this account, our landowners should be protected from foreign competition. It was assumed that we might safely depend upon foreigners for the means of revenue, for the material of our manufactures, and thus for the means of employment to millions of our people, whereby they get bread, but not dependent upon them for the bread itself. That was the plea set forth for the enactment of the law—one which, at the time, all thinking men derided, and which has since become contemptible by the failure of the experiment. Returns laid before this House during the last twenty years, prove that the expectation of being thus independent if ever honestly entertained has been completely disappointed, and that since the law was passed we have been largely and constantly dependent on other countries for supplies of corn, that this dependence is increasing, and that during the last five years of the experiment we have fallen short in our home supply to an amount equal to 17,000,000 quarters, that the corn we have imported has not been grown for our market, but for the consumption of other people, and therefore obtained under peculiar disadvantage to us. During the thirteen years of the duration of the law passed in 1828, there was imported from foreign countries no less than 30,000,000 quarters of grain actually necessary for the consumption of the people of this country. The advocates for the home monopoly would hardly then allege a sufficiency of home supply as an excuse—at least, not from those who regard the truth. Whether this soil can or cannot produce enough to support its population, I cannot pretend to say; but the fact stands upon record, that it has not produced enough, and that we have been obliged to resort to other countries to the extent I have stated. Will any one pretend, however, that the other excuses which have been alleged in defence of the law have not been shewn to be equally futile and insufficient? When the only profit or gain connected with this law has been traced to the owners of the land, the proprietors in Parliament have repudiated the charge, they have denied that they had any interest in the law, and asserted the single object of such a law to be in the interest of the occupier and the labourer, whose well-being and existence, as they allege, depended on their continuance. But is there now, whatever there may have been before, a single man of honest mind who has given thought to the subject, that for a moment will assent to such a proposition. Will any man this night venture to repeat what is so demonstrably untrue? Will there be a single Member of an agricultural county rise up to-night, and say I can prove that the tenant farmers have benefited or do profit by this law? The interest of these classes in these laws had been fully and fairly inquired into by those leagued together for the purpose, and so far from the Corn Laws being of any service to them, nothing

appeared to be more identified with the permanent interest of both the farmer and the agricultural labourer than their total repeal. Every person is now familiar with the fact that the distress of no class had been more prominently or more frequently obtruded upon the public than that of the farmers. Evidence could be submitted at the Bar of this House, or before a Committee, that would leave no doubt that, for the last thirty years, the farmers had been, of all men, the most embarrassed, and that their distress had been more obtruded upon the attention of this House than those of any other class of persons. In fact, it is now matter of notoriety that they had derived no benefit from the Corn Laws. The farmer has been duped and deceived by the promise of Parliament about this law. He has been assured that by this law he would be secured in the price for his corn; and what had been the result? Why, that he had been deluded into the payment of higher rent. The same had occurred with regard to all the exemptions that had been procured for the farmer in the payment of taxes, there was not a landlord in the House who did not know that they contributed only to swell the rent that was given for the land. The Members of that House dare not call a single farmer before them, and ask him whether what they had done in his behalf, as they said, had been at all to his benefit? It was the evidence of one of the most competent among them, that whatever relief they had procured for the farmer through Parliament had been for the advantage alone of landowners. He would venture to say that not an hon. Member in that House would repeat again to-night that the Corn Laws were enacted for the benefit of the farmers. He defied hon. Members to repeat that the law was upheld for such purpose. The farmers assert themselves that they are the most distressed class in the community, while they hold their lands under circumstances the most disadvantageous for its proper cultivation. The assertion that these laws were for the benefit of the labourer was equally absurd and unfounded. No one would now venture to say that it was for the advantage of the labourer that the prices of food should be kept up, and that high prices ensured high wages. There was a volume in this House, produced by the labours of a Commission of the Crown, which effectually disproved that assertion. No man in the face of that volume could rise and say that these laws were for the advantage of the labourers, Their mouths were closed by the evidence taken by this Commission. This was an authority which they did not venture to dispute. That evidence proved that no one could be lower in the scale of civilization than the agricultural labourer. Country gentlemen may now study it by the light of fire in their own neighbourhoods. Scarcely a day passed but the papers were full of accounts of what were called the crimes of the labouring classes, which were, in fact, the results of their necessitous condition. The hon. Member for Stockport had asked for inquiry upon this subject; he had made a motion to that effect, but the majority who are proprietors did not assent to it; they felt the danger of calling upon a single farmer or labourer to give evidence with respect to their condition, and their experience of the operation of these laws. The Motion of my hon. Friend was a perfectly fair one, and one quite in point; but the landowners refused the test of calling upon the tenantry to give their opinion upon the Corn Laws, to speak of their operation in raising rents, and upon the poor labourers, to say whether their case was not made more desperate by high prices. But the landowners will never bring forward either farmers or labourers to tell of their experience of the working of these laws. I see in the *Times* newspaper a statement, that in some parts of the country, where there has been much discontent and breach of the law, wherever the farmer allowed the labourer an opportunity of procuring provisions cheap, thus virtually repealing the Corn Laws, they became better affected, and property was safe. And I now ask the landowners to answer this question, how it was that the labourer was always found to be contented and well affected after prices had continued low, but that they were always disaffected, and the property of the country endangered, when food was scarce, and the price was high. I ask the hon. Member for Knaresborough, who has thought it decent to give notice of the Amendment he has placed upon the Votes to meet and answer this point. I call upon him to give evidence of the good condition of the agricultural labourers if he can. I will here read a public letter, yet unanswered, addressed to the county of Bucks, one of the most purely agricultural districts in the country within a year ago, by a Baronet and a magistrate of that county, Sir Harry Verney, no member of the Anti-Corn Law League. The hon. Baronet writes as follows:—

"My friends, it is with pain that I contemplate the condition of the agricultural classes, especially of the agricultural labourer. See his damp, unwholesome, ill-ventilated, crowded cottage—ride through a village, where groups of men are standing about, unable to obtain work. Remark the downcast look of a man, as honest and upright as the most honest and upright amongst us, who has gone round from farm to farm and cannot obtain labour; follow him home to his family, and see him enter his cottage, where his wife and hungry children await his return, hoping that he may have obtained employment and food; but he has failed. The charity of a farmer, or the kindness of those who divide with each other the widow's mite, of some neighbour less poor only than himself, supports the family for a few days, until the order of admission to the workhouse is obtained. There are few, I hope I may say, no deaths from want in our agricultural districts; every poor family that has a crust or a dish of potatoes will divide it with their poorer neighbour who has none; in every village there are farmers and farmers' wives ready to assist a starving family. But are there no diseases brought on by poor living? No constitutions impaired by unwholesome and insufficient diet, want of clothing, and bad dwellings? Are not the minds as well as the bodies of our peasantry often enfeebled by their sufferings, and unfitted for the very exertions that would better their condition? You know as well as I do the reply to such questions."

This was the letter of a Baronet of Buckinghamshire—one who had property in the county; and such was his description of the state of the labourer after thirty years of protection. I will now read the evidence of a farmer as to the state of the labourers as well as the farmers, and the benefit which they expect from the continuance of monopoly, who had spoken in the presence of other farmers at a public meeting in the county of Gloucester, Mr. Josiah Hunt, of Almondsbury, a practical tenant-farmer of great experience. [An hon. *Member* made a remark about the Poor Law.] He would notice the reference of an hon. Member to the subject of the Poor Laws presently. This farmer (Mr. Hunt) said,

"He believed that with free-trade the cultivation of the land would be improved—the produce of the land would be increased—the independence of the tenant secured, and his prosperity greatly augmented. He could fully bear out what Mr. Cobden had said about the agricultural labourers—their wages were miserably low, and yet the farmers could not pay more. In his own parish hundreds of families lived on 7*s.* per week—their fare was worse than that of the pauper—whole families of grown up children slept in one room, to the total disregard of the decencies of life, and to the total destruction of feelings of propriety and morality. It had been said the land had to bear peculiar burthens; but it should also be said the farmers had peculiar exemptions; and if the farmers' windows were untaxed, and his riding horse and his dogs free of duty, it was not to benefit him, but that he might be able to pay higher rent to his landlord. He cordially seconded the resolution, believing that a Repeal of the Corn Laws would improve the prospects of the tenant-farmer, and promote the physical, moral, and social condition of the labourer."

In the same speech also, he expresses a distinct opinion on these laws, and says:—

"The Corn Laws he was fully convinced were no benefit but an injury to the tenants; they were designed to raise rents, and to place the tenantry subservient to the political domination of the landlord—and if he needed anything to fortify his opinion on the Corn Law, it was the fact of the best practical agriculturists in the kingdom entertaining the same views upon the subject; the whole system, he declared, was not to benefit the farmer, but to raise the landowner's rent."

The hon. Member opposite referred to the effects of the Poor Law just now: what did the hon. Member suppose was the average weekly cost of supporting a man with his wife and six children in the workhouse in the country? He would find it was 17*s.* 6*d.* a-week; whilst the wages of the labourer he would find were only 7*s.* 6*d.* a-week. The working labourer, therefore, was very far worse off than the pauper, and was forced into the workhouse in self-defence. Let the hon. Gentleman opposite stand forward and avow himself the friend of the landowners, if he pleased—let him court the dominant class in the State, if he thought it convenient or proper to do so; but before he stood forward in such a cause as the friend of the poor labourer, I call upon him to answer the statements which I have just read to the House. These statements, along with a host of others to the like effect, fully bear out my position, that neither the farmer nor the labourer were interested in the continuance of these laws; and it was but justice to add that it was to the exertions of the Anti-Corn Law League that the disclosure of these important truths were owing. Let hon. Gentlemen then apply themselves to these facts, disprove them if they can; prove the contrary if it is in their power, and they will satisfy the public far better that they are right and

honest in their professions than by vulgar abuse of the Anti-Corn Law League. Knowing they cannot do that, I am at a loss to anticipate what popular or public ground they will attempt to occupy on the present occasion. The right hon. the Secretary for the Board of Trade, who did not like to repeat all the foolish things which were said by his supporters, had, when this subject was last discussed, started an argument of his own, which I confess I don't think much wiser than those of his Friend." The right hon. Gentleman said, that he would not urge the objection of danger from not obtaining a sufficient supply of corn from abroad when wanted, as he believed that the supply of corn would be regulated pretty much upon the same principles as that of any other commodity, and that we should not be liable to more interruption in this trade than in other commodities. But the objection which the right hon. Gentleman threw out was, that a depression of price consequent on an increased quantity of corn would throw out of employ a large amount of agricultural labour. From what had fallen in the course of former debates, the landowners in this House did not appear to entertain a very high notion of the right hon. Gentleman's agricultural knowledge. The hon. Member for Sussex, indeed, seemed to imply that from what he had seen of the right hon. Gentleman that he was so ignorant on these matters as not to know an ox from a plough. With respect to the notion of the repeal of the Corn Laws displacing agricultural labour, the right hon. Gentleman gave the House none of the data upon which that fancy was founded. He supposed, of course, that the right hon. Gentleman calculated upon agricultural labour being displaced, as the consequence of certain lands being thrown out of cultivation, which was to result from increased quantity, and low price of produce. Now, looking at what had been said by agriculturists themselves, I am at a loss to understand that the necessary consequence of a reduction of prices would be to throw any considerable quantity of land out of cultivation. The fact, I believe, is, that if a little science and economy were applied to the cultivation of the land, a low price was compatible with paying the labour of cultivation, and obtaining a good profit. A nobleman, distinguished for his knowledge of agriculture, Lord Ducie, declared publicly that all apprehension upon this score was a fallacy, and that exclusive of rent they could produce wheat on almost any land at lower prices than those quoted at any foreign port. Now, it was obvious that before land could be thrown out of cultivation, it must have given up paying rent; and before it ceased to support the labourer, it must go to waste. The right hon. Gentleman ought to have shown at what prices land could not be cultivated with a prospect of profit; and he would have to show that it would not be worth the mere application of industry required for cultivation, before he declared that the lowering of prices in the market would be followed by the displacement of labour. I don't think it probable that the right hon. Gentleman will repeat this argument again to-night. Since he had formerly used it, he had possibly read what had been said by men who knew something about the subject, and he had doubtless profited by what he had read. But there was another argument which the right hon. Gentleman had since advanced; it was to this effect:—that we should be careful how far we risked the reduction of rent, lest owners of land should themselves become farmers. The right hon. Gentleman was afraid that the farmers themselves would be ousted from their tenancies, and the landowners, by attending to the cultivation of their own land, become useful members of society. Now, I don't think that the right hon. Gentleman need labour under any very serious apprehension on this score. I don't think that the firstborn of the land will be very likely to take to an industrious and laborious pursuit as long as they could be more agreeably employed in doing nothing. Let him not be alarmed—let him rest satisfied that, during his time, at least, those who were born to inherit the land would continue to be trained up in idleness as they had heretofore been, and be chiefly qualified for consuming the fortunes which others had acquired. But whilst the right hon. Gentleman was dreading the displacement of agricultural labourers, let him reflect upon the alternative in the consequences of fettering trade, necessarily resulting in the displacement of manufacturing labour. It appeared that between the period of the last censuses being taken, in ten years upwards of 360,000 agricultural labourers had gone from their villages to the manufacturing districts as a means of living. Did not the right hon. Gentleman perceive that, by the returning of any considerable portion of that number to the agricultural districts in consequence of the

want of employment in manufactures, there would be a far more certain depression of agricultural labour, than he apprehended would result from the introduction of foreign corn, and the consequent lowering of prices. But the most intelligent landowners themselves were now convinced that increased production and low prices did not displace labour; on the contrary, they instructed their farmers that the principle to proceed upon was, by the application of more labour, and increased skill and improvements generally, to produce the largest possible quantity at the lowest possible price. Indeed if this argument against low prices was good, it was just as much so against improvement as against free-trade, increased supply and reduced price was the expected result of both. They could not increase the productiveness of the land without the effect of the additional quantity being felt in the market; and the right hon. Gentleman reasoned from the effect of low prices that land would go out of cultivation. Another argument had been used as showing the necessity of great caution in any change—which was the numerical importance of the agricultural classes in the scale of society. But a document had recently appeared—namely, an analysis of the late census—which gave some information on this matter. It appeared from these calculations that the agricultural classes, about whom so much had been written, and of whom it had been said that they constituted seven-ninths of the whole population of the country, were only 7 per cent. and a little more of our population. And with what show of right or justice would it be pretended to exclude the whole mass of the people of this country from their natural right to buy their food as abundantly and as cheaply as they could, out of regard to the supposed exclusive interests of such a fraction of the community? No right can be allowed in any portion of the public to impose taxes or restrictions on the rest, and I contend that those who would continue this law are bound to prove that it is the means of giving the most abundant supply of food to the people at the cheapest possible rate, and that ought to be the real question with the supporters of the Corn Law; and if they failed to prove the affirmative of that proposition, then I say that the maintenance of the Corn Laws was the maintenance of tyranny, and the cause of enormous evil; for I stand here not on the part of this or that interest, either manufacturing or otherwise, but on the part of the people at large, to assert that it was their right, and for their unquestionable advantage, and for the good of the whole country, that they should procure and have access to their food as cheaply, as abundantly, as conveniently as by means of capital, commerce, industry, or any other human contrivance they could possibly possess themselves of. Do the Corn Laws effect that? And if not, where is that public necessity which Lord Grenville says so truly, ought to be imperative to justify any tampering with the means of the people's subsistence, for as he truly says, to confine ourselves to our own soil appeared to mar the provision of Heaven, which by varying the climes and seasons of the earth, had relieved any nation like our own from exclusive dependence on itself. To legislate for limiting the sources of supply was, in point of fact, to encourage scarcity, and it was monstrous to confer upon any body of men who were irresponsible, and whose interest in this respect might conflict with that of the community, the right to enact laws for regulating the supply of food. It was giving them complete power over the people. He who determines the amount of food, could make slaves of the people; and they could not too quickly direct the attention of the country to the immense importance in all its bearings, on the condition of the community, of food being abundant, and of the purpose and effect of the Corn Law to restrict that abundance? The time was most convenient,—our information on the matter was never greater. Never was our experience more complete, of the effect of more or less food upon the moral as well as physical condition of the people—never had we approached the subject at a moment more calm or free from excitement—never had there been a period in all respects so adapted from the knowledge of the past to legislate for the future. There were, moreover, now, some hon. Gentlemen on the opposite side of the House, who were now much occupying themselves in the praiseworthy endeavour to discover the cause of the bad physical condition of the people—and who, as they say, wishing to overlook pecuniary and selfish considerations, were anxious to legislate alone on principles of humanity. I invite those hon. Gentlemen, then, to go into the question of a great cause of the misery and sufferings of a great portion of the labouring people, the dearness and insufficiency of wholesome

food. I ask them to investigate the cause of that severe and pressing competition which they say themselves compel the people to toil too long, to work too hard. I wish then to examine the connection of that circumstance with the limited amount of food—which by raising its price confines their means to the bare payment for necessaries—deprives them of the power of educating their children; compels them to neglect the domestic duties of life, and thus sink them in the scale of civilization. I hear from some of them that people are made slaves by circumstances. I ask them, then, to examine the circumstances that cause this evil, with a view to remove them. I ask those hon. Gentlemen who were actuated by those philanthropic motives, whether this competition which led to these lamentable results was not influenced by food not keeping pace with population, and by laws existing to limit the supply of food, while none could exist to check numbers of the people? Could there be any doubt upon this point? The truth of this proposition was admitted sometimes by hon. Gentlemen opposite themselves. They always were anxious for a good harvest; they prayed for it in their churches; and why? Because a good harvest rendered food more plentiful. Those hon. Gentlemen had certain associations in their minds as to the effects of a good or a bad harvest, and amongst them was that, with a good harvest, the people had more employment; that they were improved in their condition, and were not liable to those extreme sufferings which a bad harvest, and the consequent scarcity of food and high prices entailed upon them. Then why quarrel with those who sought to obtain the same results which they only in a more certain way looked forward to as the consequences of an abundant harvest by other means—by the freedom of trade? The object of both parties is the same, and your desire for good harvests and ours for free-trade proceed from the same motive. When you pray for good harvests, we do not wish to accuse you of a wish to reduce wages and to benefit yourselves only; then give us credit for being actuated in our attempts to increase the supply of food by other means—the same motives as yourselves that of benefiting the condition of the people. Could there be any difference in point of fact, whether food was rendered scarce to the people by a bad harvest, or by limiting the supply by any other means? If you care to know what would follow from free-trade, ascertain what occurs from a good harvest — whether wages fall — whether the home-trade is bad — whether labour is displaced; and if you wish to know what would be the effect of restricting the supply of food to the growth of this island, consider what you expect would follow from confining the supply of this town or the county in which it stands to the growth of its spare soil. Apply the system of the sliding-scale to London, and make the squares or Grosvenor square alone perhaps attempt to give corn for the whole town. What would be the effect? If the people increased and the food did not in proportion, would not the price of food rise and competition for food increase? Would not wages be reduced, and the people be compelled to work harder for less money and less food? And would it not be said of those who refused to admit corn from without, for the purpose of keeping up the rents of the square, that they were guilty of the grossest selfishness and the grossest injustice? And where was the difference whether the principle was applied to a single town or to a whole kingdom? The population of the country was increasing rapidly; and the produce of our own soil, it was notorious, was not keeping pace with that increase; and yet we refuse to admit an adequate supply from other countries. Let in food from abroad, and there would be found customers enough or it would not be entered in. If there was no fear from corn being admitted, why not let it in? If there were fears of the results of change, on what did they rest? Could it be denied that it arose lest food should be too cheap, and that the blessing would be too widely diffused; and could that be justified on any principle of justice or humanity: and what is to be said of any man, who, being a party to this injustice, who supported this system for the interest of his order, should go forth to sympathise with his victims, and get credit for seeking to heal the wounds he had inflicted? Would you not charge him with the grossest ignorance or the grossest hypocrisy? This was a question which did not affect the operatives of the mill and factory alone, but the whole working population. We have no excuse for not looking at its effects. We have had lately forced upon us the means of judging of the effect of years of scarcity and plenty upon the moral and physical condition of the people. Within ten years we have had four years of scar-

city and four years of plenty. From 1832 to 1836 was one continued period of abundance; from 1838 to 1842 was a period of scarcity. I will first compare the effects of scarcity and abundance by figures. I find that, in the four years of abundance from 1832 to 1836, the price of wheat had averaged 46*s.* a quarter, and in four years of scarcity the average price had been 66*s.* a difference of 20*s.* a quarter in price of wheat. Here then was an opportunity of judging of the sacrifices which the people had been called upon to make during these dear years. One of the first consequences of the period of scarcity was, that the people were able to consume less, though they had to pay more, while at the period of abundance they had to pay less, and consumed more. That had been the case in the years I have referred to. The difference of consumption was usually supposed to be one-tenth more when food was cheap than when it was dear; this was shown by the sales and deliveries in the markets. The average consumption of wheat in this country was calculated at 16,000,000 quarters. In cheap years there would be an addition of one-tenth to that amount, making the consumption of wheat in those years 17,600,000 quarters, and in dear years they must subtract one-tenth from the average, leaving the consumption in years of scarcity at 14,400,000. Now, for the 17,000,000 of quarters the people paid 149,000,000*l.* and for the 14,000,000 184,000,000*l.* Mr. M'Culloch had calculated that 195,000,000*l.* was the annual value of agricultural produce of this country, and it appeared that the increase in price of all other produce besides corn, was during these years one-sixth higher than it had been during the cheap years. These calculations were based upon Returns made to that House and the contract prices at Greenwich Hospital, I believe their correctness will not be disputed, and with this data it will be found that the people of this country were thus called upon to pay 33,000,000*l.* a year more for their food in dear years than in cheap years, while the amount of that food was diminished in the proportion I have stated. This was one of the effects of the deficient supply of food consequent on the dependence on our own seasons instead of regular commerce, and of itself was sufficient by diminishing consumption of other things than food to occasion stagnation of trade and depression of prices. Then on these occasions of scarcity a great sacrifice was always required at first by exporting bullion to procure supplies from abroad, to the prejudice and derangement of all the monetary affairs of the country, which, by limiting credit, tending still further to depress prices, lower profits, and create that which was called over-production or glut of our markets. These were some of the consequences that had hitherto followed from an insufficient supply of corn in this country, and from the same cause resulted an increase of pauperism and poor-rates, increase of crime and emigration. This was not my assertion only, or opinion, or the mere speculation of those who agreed with me, but I will refer to what Government had done, and to what Ministers had said, to show that in their minds these effects resulted from these causes, and to remove or diminish the evil, it was necessary to deal with these causes. I will first call the attention of the House to the several remedies which have been proposed by the Government, and recognised by all the leading Members of the House as efficient for the purpose of removing those evils, and as showing their opinion that all the sufferings and misfortunes of the people resulted from a deficient supply of food. In 1841, eighteen months after the period of scarcity and depression to which I have alluded, Her Majesty, in the Speech from the Throne, referred to the deficient supply of food, and the consequent sufferings of the people, and recommended remedial measures to the consideration of Parliament; and what was the remedy which the Ministry of that day—those who were responsible for the good order and welfare of the country—proposed? The then Government came forward, and said they had no remedy to propose but an alteration in those laws which restricted the supply and enhanced the price of the great necessaries of life. At the end of 1838 the deficiency began: and continuing till 1841, at the beginning of that year, Ministers came forward, and said they had nothing else to propose to relieve the distresses to which Her Majesty had called the attention of Parliament than an alteration in the duties upon the import of corn and sugar. My noble Friend, the Member for London (Lord J. Russell) on that occasion expressed his regret that the people of this country were in a worse condition than the negroes of the West Indies—that they were subject to greater privations, and that the great mass of the labouring population were fast falling into a state of

pauperism, and becoming recipients of public relief; and the noble Lord referred to this condition of the people in introducing a measure to relieve their distresses by altering the Corn and Sugar Duties, and those other laws which tended to enhance the price of food to the people. They well knew the fate of that proposition. They knew the results to the Government who had brought it forward. Those who were interested in keeping up the price of corn united and combined with those interested in keeping up other monopolies and ejected the Ministry. But did that cause the distress to subside? What was done in the year following? Her Majesty in opening the Parliament was again obliged to refer to the sufferings and privations of the people, and said

"I have observed, with deep regret, the continued distress in the manufacturing districts of the country."

Bearing testimony to its being no fault of the people themselves, she says

"The sufferings and privations of the people which have resulted from it have been borne with exemplary patience and fortitude."

And the Mover of the Address in the House on that occasion said, that

"Six months ago the House had heard statements made of the awful distress under which that part of the country with which he was connected was then suffering. He regretted to say, that the distress was now frightfully aggravated. He would refer to the returns of workhouses to show that applications for relief were greatly increasing, and were, in many instances, made by persons who had been formerly in a state of comparative prosperity. He would refer to the charity and visiting societies, to prove that many were now applicants to that charity for relief who had, not long ago, been themselves dispensers of charity. He regretted to be obliged to state, that in his opinion pauperism was advancing in this country."

The admission of the distress however did not relieve it; and we find the Archbishop of Canterbury shortly afterwards writing a letter to the clergy, exhorting the ministers of every parish to promote subscriptions amongst their parishioners for the relief of the distress which existed. But at last, after making many other attempts to talk down the distress, and pretending that it would pass away of itself, what happened? Why, the right hon. Baronet at the head of the Government came down to Parliament, and told them that taxes upon the necessaries of life had exceeded their limit, and, as a means of relieving the sufferings of the people, and to enable them to consume taxable articles, they must reduce the cost of living; and by the Tariff which the right hon. Baronet introduced and carried, he admitted what we had so long been contending to prove, that the cost of living in this country had been rendered extravagantly high. This, however, was not enough: the right hon. Baronet at last felt that he was obliged to alter the Corn Laws; and that measure he declared he introduced amidst the greatest suffering of the people. Those Corn Laws which the hon. Member for Knaresborough (Mr. Ferrand) looked upon as essential to the protection of industry, and the contentment of the poor, the right hon. Baronet at the head of the Government had himself altered, alleging as his reason that, as it was absolutely necessary that the price of food to the people should be reduced, those laws, in fact the tendency of which was to keep up prices must in mercy to the people be altered. At last, however, they found the Queen congratulating the country on its improved condition—and when was this? When the harvest had been ascertained to be good, and when supplies from abroad had been introduced, and when the food of the people promised to be cheap and abundant. And when was it that the Secretary of State announced to the country that he was happy to say that the rate of mortality was diminished? It was in 1843, when food was more plentiful, and importation had increased the supply reduced the price. Great God! the rate of mortality was diminishing! Then the people had been actually dying of want, starving to death, under the influence of our legislation, for that was what the admission of the right hon. Gentleman amounted to. The suffering of the people did not depend upon surmise; they had, unfortunately, official evidence of it, to which he was anxious to call the attention of the House. In the first place, he would refer to the progress of pauperism; and I find that, in 1837, the rates levied in England and Wales for the relief of the poor amounted to 4,044,741*l.*; and, in 1843, they amounted to 5,200,000*l.* The number of paupers chargeable upon the rates, when the period of distress commenced, was 1,000,000; and when the Minister announced that there were indications of the distress subsiding, the number was 1,500,000. What was the number of

able-bodied adult paupers at the same period unable to obtain employment, and depending on the poor-rates for relief? At the period when the distress commenced, the number was under 200,000, that was in 1836; and in 1842 the number was 407,570. Then, observe in particular places the increase in the amount expended in relieving the poor in dear years as compared with cheap years. I find that the amount expended:—

	In 1836.	In 1841.	Increase.
	£	£	per cent.
At Stockport ..	2,628	7,120	134
Manchester	25,669	38,938	52
Bolton	1,558	6,268	304
Oldham ...	3,968	7,682	159
Hinckley ..	2,040	4,200	97
Sheffield...	11,400	23,800	109

Throughout the manufacturing districts there was great increase more or less in these proportions; but it was not confined to these districts. The increase was hardly less in the agricultural districts. In the fifteen chief agricultural counties I find the increase in the amount of poor-rates between 1836 and 1842 was 21 per cent., while in the twelve principal manufacturing counties the increase had been 30½ per cent. This surely was sufficient to show the injurious effect of high prices of food on the labouring population, the universality of the effect of scarce food upon the nation. Then what was the effect upon the revenue? This I am aware is a large subject, but none was more deserving of the attention of the House and the country; and although I feel it would be inconvenient for me to go into it fully, I trust some hon. Gentleman, more competent than myself, would draw the attention of the House to it; for if there was anything that was operated upon more directly than others by the scarcity of food, it was the state of the revenue; and as that question excited, I find, more interest in the minds of some persons than the suffering and privations of the working classes, it was on that ground an important matter for consideration. I will refer to the state of the Excise revenue as affording more especially a striking evidence of national distress. It appeared from the Parliamentary Returns, printed the 30th of May, 1842, that the augmentation of the taxes made in 1840 was estimated to yield 784,000*l.* to the Excise, whereas it only yielded an increase of 58,170*l.* that year, and in the year following there was an actual decrease of 182,747*l.* In the year ended October 10, 1842, the net revenue from Excise was 733,448*l.* less than in the year ended October 10, 1841. Such was the state of things in the fourth year of the deficient supply of food. Then what was the effect of scarcity on the moral condition of the people? What was the increase of crime in periods of scarcity, as compared with the periods of abundance? In 1834 the number of commitments in England and Wales had been 22,451; in 1836, a year of low prices and plenty, the number was 20,000, showing a decrease of 2,451. In 1843 the number had gradually increased, under the influence of scarcity and high prices, to 31,000, being an increase over the year of low prices of 11,000. He now came to the effect of dear years and limited supplies in increasing emigration. From 1832 to 1837 the average number of emigrants had been 70,000, that was in cheap years. In 1841, under the influence of distress and high price of food, the number was 116,000, and in 1842 it had increased to 128,000. In 1838, the bankruptcies were 800; in 1842, 1,500. This was the experience we have of the effect of scarcity and high prices on the condition of the country; and he asserted again, and there was no one instance to the contrary, that when food was abundant and cheap, the working population, both in the manufacturing and agricultural districts, did not become better off than when food was scarce and prices were higher. I might quote an authority upon this point, to whom, perhaps, the House would be induced to look with respect. I allude to the late Lord Liverpool. In 1822, the harvest had been extremely good and prices been low, the proprietors of land came as usual to Parliament, complaining of distress, and begging for relief; and in that year, when the price of corn was exceedingly low, that noble Lord, speaking in reply to the Earl of Stanhope in the House of Lords, said,—

"When the noble Earl (Earl Stanhope) says that the low prices incident to the distress which agriculture suffers, benefit no man, I answer, that although I sincerely wish the distress did not exist, I cannot be blind to the fact, that they certainly do benefit a great majority of the people. Do they not benefit those who were, during the war, the principal and almost the only sufferers? In all large towns they have occasioned considerable benefit by the fall of the Poor Rates. I have been at

some trouble, my Lords, to ascertain the real state of the case, and can pledge myself to the accuracy of this statement. In this metropolis, in which your Lordships are now sitting, never were the lower orders of people in a better condition than they are at the present moment."

This was at the beginning of a year in which the agriculturists were clamouring for a rise of prices and scarcity in food, and complaining of distress as the consequence of abundance and plenty; and this was the time, when, according to Lord Liverpool, the working classes generally were never in a better condition. What was the opinion of Mr. Tooke upon the same point? That gentleman, in writing of the period from 1819 to 1822, said,—

"That the great mass of the community was greatly benefited by the transition from dearth to abundance, there is not, there cannot, be any reasonable doubt. What but the privations and sufferings of the great bulk of the community led to the popular discontents and commotions which prevailed, and were with difficulty repressed, in the great dearths at the close of the last and the beginning of the present century, and again in 1812, in 1817, and 1819?—dearths which, after their natural cessation, these legislators would, as far as in them lay have artificially perpetuated; while, on the other hand, the contented state of the working classes in 1821 and 1822, and not to mention the great increase of the revenue in those years, attests the comparative well-being of the bulk of the community in periods of what those who are interested in high prices and high rents are pleased to characterise as agricultural distress."

There had been Committees on agricultural distress, appointed by the House of Commons in the cheap year of 1833; and Mr. Tooke, remarking on the evidence, said,—

"There is one point which the whole tenor of the evidence before the Committee of 1833 tended to establish beyond doubt, and that is, the improved condition of the agricultural labourer; and the fact is thus noticed in the Report; 'Amidst the numerous difficulties to which the agriculture of this country is exposed, and amidst the distress which unhappily exists, it is a consolation to your Committee to find that the general condition of the agricultural labourer in full employment is better now, than at any former period, his money-wages giving him a greater command over the necessaries and conveniences of life."

I must now ask the attention of the House to some evidence of the effects of the scarcity of food upon the health and life of the people, and I am induced to refer to some details on this matter from observing the willingness of the House on another question to listen to such matter; and indeed I am fortunate in being able to refer to testimony in this case which had been relied upon in the other, he alluded to the factory question, and they were here cited for their opinion that nothing tended so much to shorten life and injure the health of the people as a scarcity or a constantly varying price of corn, which meant, in fact, a varying amount of food. If I remember rightly, the noble Lord (Lord Ashley) had alluded to the authority of Dr. Hawkins and M. Villermé. The former of those authorities had stated the opinion of himself as well as that of Villermé and Quetelet in the following passage:—

"The price of corn has a most remarkable influence on the movements of population and of disease. We have not a sufficient number of data to enable us to estimate the exact amount of its influence, but we shall assuredly not be mistaken in classing it among the most energetic causes which press upon the operations of life. This influence extends not only upon deaths but upon births. It affects also the number of marriages, of diseases and even of crimes."

It was the opinion, then, of these eminent medical writers, that upon the supply of food depended, in a great measure, the physical welfare of the people. In Milne's work on Life Annuities it was stated that that which was the case in England with respect to the influence of food on disease, held equally true in other nations. A table is given in that work "exhibiting the number of deaths, the proportionate mortality, and the character of the crop of each year in Sweden and Finland from 1750 to 1803," which shows that throughout this whole series of fifty three years there is not one exception to the rule, that every increase in the scarcity of food is accompanied by a correspondent increase in the mortality of the people. In every year following a scanty or failing crop, the number of deaths was increased, in some instances to a most appalling amount; for instance, in 1760, after an abundant harvest, 60,323 persons died; and in the next three years the crop being middling, scanty, and a failure, the deaths were respectively 63,188, 74,931, and 85,093; from 1770 to 1773, the deaths rose from 69,895 to 117,509, from the same cause—a failing crop. And not only is every failure of the crop marked by a rise in the ratio of mortality, but conversely there is no marked decrease

of mortality throughout the whole series of fifty-three years, that is not preceded by a plentiful crop. In fact, the evidence on this subject was more uniform than on almost any matter of medical science. All authorities were agreed that the greater or less mortality was influenced by the adequacy or deficiency in the supply of food. Taking the Returns furnished by the Manchester Dispensary, and comparing six dear with six cheap years, I find that 196 persons had annually died in the dear more than in the cheap years. From extensive Returns obtained from sick clubs in various parts of the country, from Blackburn, Stockport, Maidstone, the Potteries, and many other places, it appeared that during the six cheaper years, the mortality among the members was 3 per cent.; during the dearer years 4 per cent., being an increase from dear food and bad trade of 1 per cent. There was an important work lately published, entitled, "An Address to the Clergy of the Established Church of England, on the Effects of a Scarcity of Food, showing the Tendency of Starvation to engender Epidemic Disease." It was there shown, by quotations from Reports of physicians, writing at the time on purposes quite independent of any agitation, that each of the three remarkable periods of scarcity by which this country has been visited, viz. 1798, 1816, and 1840, were quickly followed by epidemic fever; and this fever was attributed by the medical men of the respective times to want as its principal cause. The evidence of Dr. Fitzgerald, as to a late epidemic in that part of Ireland where he practised (Clonmel), showed that in his opinion the primary cause of the disease was insufficiency of food. He said:—

"Let me take this opportunity of guarding myself against misapprehension. It is by no means my intention to affirm that epidemic typhus always owes its origin to deficient and deteriorated food, and to that cause alone. I fully admit the influence of contagion, dirt, cold, damp, insufficient clothing, want of employment, depression of spirits, and the other causes of the disease alleged by physicians; but I would observe, that these causes must in this climate coexist with scarcity, and some of them, at least, be occasioned by it. They may be more or less obviated by the particular circumstances of the country at the moment, and hence the pestilence will be found more or less general; but the great truth which I have laid before you will remain unaffected, that typhus fever is the inseparable companion of great and continued scarcity after bad harvests."

Take evidence from another country. There was a most important Report by Dr. Alison, in which it was stated that 23,000 persons existed in Edinburgh in an entirely destitute state, and completely dependent upon casual charity. He said:—

"As the botanist can tell the quality of the soil from the flowers that spontaneously arise upon it, the physician knows the state of a people from the epidemics that mow it down. It is not asserted that destitution is a cause adequate to the production of fever (although in some circumstances I believe it may become such), nor that it is the sole cause of its extension. What we are sure of is, that it is a cause of the rapid diffusion of contagious fever, and one of such peculiar power and efficacy that its existence may always be presumed when we see fever prevailing in a large community to an unusual extent. The manner in which deficient nourishment, want of employment, and privations of all kinds, favour the diffusion of fever, may be matter of dispute; but that they have that effect in a much greater degree than any cause external to the human body itself, is a fact confirmed by the experience of all physicians who have seen much of the disease."

Then, again, there was the evidence of Dr. Grattan, in Ireland, whom he found writing as follows:—

"Next to contagion, I consider a distressed state of the general population of any particular district the most common and extensive source of typhoid fever. The present epidemic (that of Ireland) is principally to be referred to the miserable condition of the poorer classes in this kingdom; and so long as their state shall continue unimproved, so long fever will prevail, probably not to its present extent, but certainly to an extent sufficient to render it at all times a national affliction."

I lately applied to a medical gentleman practising in a populous district of London, Dr. Hunter, of Bloomsbury, whose experience quite confirmed all the information I have received upon the point. This gentleman wrote as follows:—

"An extensive practice for more than twenty years, almost in the very focus of typhus localities, has given me an opportunity of seeing that disease in all its various degrees of malignity. There are numerous predisposing causes, such as impure air, crowded neighbourhoods, want of cleanliness, and so on; but all these sink into insignificance and unimportance when compared with the great monster predisposing agent—I mean a scarcity of nutritious food; and it may be said, if other causes have slain their thousands, this alone has slain its tens of thousands. My experience justifies and warrants me in affirming that where the people have insufficient nourish-

ment, there typhus fever manifests itself with all the horrors of a depopulating plague. Witness Ireland. No sooner does a year of scarcity appear but this fell destroyer of the human race shows itself, carrying off thousands; and this affirmation will, I am sure, be confirmed by any medical practitioner who has had the misfortune to see, as I have, whole families carried to their weary bourne by this scourge of the human family, brought into existence and activity by the physical wants of the people. I happened to know a family of nine persons, seven of whom died in one short month, and all by the fell destroyer, typhus, and this too in an agricultural district, where the air was as pure as the morning breath of Heaven, and where contagion was impossible, as the farmhouses were at a considerable distance from each other. But in the same district, where the families had sufficient food, and of a good quality, fever was wholly unknown."

I have a great amount of evidence of the same kind, relating to France, Belgium, and Germany. All medical men seemed to come to the unanimous conclusion that the well-being of the people varied with the quantity of food with which they were supplied. Now, I might be asked, what all this had to do with the Corn Laws. These laws it will be said are intended to avert these evils, to increase the supply of food and to protect native industry, at least I see something of this kind is intended to be implied by the Member for Knaresborough's Amendment. Then, Sir, I say, we are here brought directly to the question of what is the purpose of the Corn Law; and I want to have it answered. What is the object of that law, if it is not to limit and restrict the supply and thereby produce scarcity? I wish to know what other purpose it has, and if so, why that has never been shewn? I want to know if any person who speaks in defence of the Corn Laws has ever argued for any thing but for preventing cheapness by preventing plenty? If their object was to produce plenty, why were those who maintained these laws dissatisfied whenever there was abundance in the country? How was it that when the people were well fed and well off, that it was precisely that moment at which the proprietors came forward with complaints? They had evidence to show that it was always the case that when the people were in a comparatively comfortable state, the complaints of the agriculturists were loudest. If plenty was the object of the law, why at that moment its supporters should be most satisfied? If plenty, I repeat, has been the object of the law, how is it that it had continually been a question as to how prices could be most effectually raised, with reference to no other object? And what did they find stated in every Committee on Agricultural distress, but that the great evil had been the excess of produce, and that the remedy for the evil, was to sow and to raise less? In 1836, when, as I say, the people were well off — when they were well employed — when poor-rates were diminishing and crime was diminishing — the agriculturists were asking what could be done to mitigate or modify the cause of these things? In 1833 and 1836, when by the evidence of all competent persons, the condition of the people was comfortable, the agriculturists, both in this House and the other, were asking how they could best diminish the supply of food, with the view to what they would call improving the prices. If the purpose of the Corn Law was to prevent scarcity and secure abundance, how is this to be accounted for? How came it that when the law was first introduced no one had any idea that it would produce plenty? How was it that those who introduced and defended the law never did so on any other grounds than its tendency to make food scarcer than it would otherwise be, to produce, in fact, that scarcity which I have shown is invariably attended with want, disease, crime, and death. How was it if the law had not that intent, that those who had been most prominent in their opposition to it had always charged its supporters with wishing for and aiming at the production of scarcity? On what grounds did Lord Grenville rest his opposition to the law, but on those that it would produce scarcity and uncertainty in the supply of food? These objects of the law — these views of its framers—were not denied then and are yet sought to be justified. There was a Member of the House at that time, a distinguished person—the respected father of the present Prime Minister—who protested against the law, and stigmatised it as cruel and oppressive towards the people.

"Those," said that remarkable man, "who had profited by the war prices, were the landowners. They have reaped a rich harvest from the misfortunes of the people, and they now propose the Corn Law to keep up war prices, which was to perpetuate national misfortune. He told them that they were about to perpetuate the effects of war by acts of legislation; that the effect of war, owing to the interruption of commerce which it occasioned, was high prices; and that the object of the Corn Law was to perpetuate these prices. But

while he said this, he warned the landowners that they would eventually themselves be the sufferers by their selfish legislation. They would raise rivals in manufacture, thus injure their best customers, and bring fresh burthens on the country; and, although by the enactment of a Corn Law they hoped to promote their own interests, they would in the end be most cruelly deceived."

These were, in effect, the words of the late Sir Robert Peel, and they had been most fully verified. How came the popular opposition to the Corn Laws at the time of their introduction, if it was conceived that their object was any other than to produce scarcity? What was the cause of the riots in this town at that period? Did the people think then that the promoters of the Corn Laws wished to protect their industry, (a term not even thought of at that time), or to improve their condition, or to produce. If the agriculturists could then have defended their measure, why did they not use argument instead of artillery? They used no argument—they used cannon instead. The people were answered by fire and shot and not by reason. It was the only argument to offer. Could they gather either from what had been said and done in more recent times, that any other result than that of scarcity was aimed at by the Corn Laws? Two years ago, amidst great national distress, the hon. Member for Somersetshire was objecting to the Tariff proposed for the purpose of relieving the distress by lowering price; that hon. Member representing the agricultural interest and supporting the Corn Laws, objected to the Tariff, not because it would diminish the supply of food, but because he apprehended the precisely opposite result. The hon. Gentleman read a statement which he considered to be entitled to the utmost confidence, to the effect that, if we were to open the trade with the United States, that there could be no doubt but that there would ensue a most extensive traffic; that food would be poured into this country in abundance, and that our manufactures would be largely exported to make payment in exchange; and that the effect would be the lowering of price on articles of general consumption. This the hon. Gentleman looked upon as a great evil. The hon. Gentleman now shook his head; but his speech was recorded in *Hansard,* and to be found in the library; and in that speech he regarded the Tariff as a means of making food cheap, and opposed it upon that ground. Were they, then, in the face of such facts to be told that the Corn Laws had plenty and cheapness in view? I lately took the trouble of looking at speeches made at the meetings of protection societies, and, after having read them, I have not been able to find that any of the speakers at those meetings wished to increase the supply of food. Indeed, at one of these assemblies, met in the county of Surrey, a Gentleman, a great proprietor, present, with more candour, if not with more wisdom, than the greater number of his brethren, confessed frankly and broadly that they were met upon that occasion to advance their own interests, and to render food dear. To render food dear, he acknowledged, was their interest, and that the purpose of their meeting was to concert how they could best accomplish that end. If, he continued, any resolution should be proposed which did not take that view of the case, he had an Amendment in his pocket which he should propose, and which embodied his opinions. Now, at this meeting were present many of the great landed proprietors in Surrey. It was a meeting of the nobility, gentry, and clergy; and, although it was quite true that in any meeting there might be found some wild man—some enthusiast, whose views were not generally shared by those present—yet, on the occasion to which he was alluding, not a syllable was uttered with the view of contradicting opinions so candidly and boldly put forward. It went forth, therefore, to the world that the meeting had no purpose but that of promoting their own interests, and that these interests were to make food dear. Certainly, then, if this had been the original object of the law, it was still adhered to. When we hear of settlements and mortgages—personal interests—and that the objections of landowners to the repeal of the Corn Laws is, that the prices which these laws enable them to obtain for their produce enable them to provide for the interest of these mortgages, how can they come to any other conclusion than that the purpose of the law was to raise price, and that by diminishing quantity? I shall not be satisfied that this is not the case until some county Member gets up and says, that his object was to lower the prices of produce as much as possible, in order to make food as accessible to the people as they could, and without any regard to the advantage to themselves from the price. I shall

watch for such a sentiment with attention, and I hope the public would observe if any such fell from any defender of the Corn Laws. But the hon. Member for Berkshire (Mr. Pusey) might perhaps say, that protection was necessary for the development of agriculture, food would be rendered abundant and cheap by adopting improvements in husbandry. Now, I beg to ask, what is it which the experience of the last thirty years, this system of protection proves in this respect? What was the present state of agriculture? Had its advance satisfied the supporters of protection if that is their object or the wants of the people, if that is its defence; and if not, is the promise of other results better in future? I do not know exactly for what reason—but perhaps from fears of an impending change in the system of protection—there has lately been a great bustle among agricultural societies. A good deal has been said and a good deal promised. But in looking over the reports of these agricultural meetings, what strikes me most forcibly is the universal admission on the part of the people of all stations, of all kinds, that nothing could be more deplorable or more imperfect than the present condition of agriculture. They all said that these were not the times when agriculturists could stand with crossed arms, as if that was their attitude, that the state of their respective localities was shameful, that something must be done, that they could not afford to follow the example of their forefathers. This was a sort of confession which they now heard on every side. There was the right hon. Baronet at the head of the Government, and the noble Lord the Member for North Lancashire, who took it into their heads during the recess to deliver lectures upon the state of agriculture in their respective neighbourhoods. The right hon. Baronet attended a Tamworth dinner last autumn. The right hon. Baronet began by stating that they had met there not for the protection but for the promotion of agriculture. A very important distinction by-the-bye, and one that should not be forgotten. He went on to say,—

"It becomes us seriously to consider what we can do to promote agriculture. It is impossible to travel ten miles in this district without seeing that mere reliance on personal experience will not ensure success as a farmer."

In short, that they must conduct their business in a different way from what they had hitherto done. Now, at all these meetings, I observe, after the evil had been mentioned, the cure was always pointed out, by somebody; at the Tamworth dinner, for instance, the right hon. Baronet, after having referred to the defective state of agriculture in his neighbourhood, and after being followed by Dr. Buckland, who said that he never saw such a deplorable state of things as was presented by the farming about Tamworth, and mentioned that he saw more thistles in one field there than he believed grew in the whole of Lincolnshire. He adverted to some of the modes by which this state of things could be improved; and alluding to one of them, he said—

"On a late occasion, in a neighbouring city, I took an opportunity of saying something about leases. I said then that the habit of this county was adverse to the practice of granting leases, but still, that if any tenants of mine felt that their position would be raised, their confidence in the security of their tenure increased, and they were to apply to me for an extension of the terms now generally granted, in order to have additional security as to the application of their capital—I said, then, that I should be disposed to give to any such application my favourable consideration. I remain of the same opinion. I repeat the same declaration in presence of many who occupy my land."

He then pointed to another grievance of a most enormous kind much felt by the farmer, he meant the ravages committed by the game, and with respect to hares. With respect to hares, the right hon. Baronet informed his auditory, that—

"I will forego the gratification of mere sport; and if any tenant informs me that the hares upon his farm are so numerous that they are doing him serious damage, I shall at once give orders for their immediate destruction to that extent that shall satisfy him that he can in future sustain no loss in that way."

This was all very well, and a very good example to set; and very important for the proof it afforded of the party really in fault for all this bad farming. But I should like to ask the right hon. Gentleman whether he supposed that either in Warwickshire or in Staffordshire the hares of any other landlord had been killed, or leases granted at the request of farmers in consequence of his Tamworth speech; and if not, whether this grievance of the cultivator did not continue? Then, in the same autumn, the noble Lord, the Member for North Lancashire, paid an agricultural visit to his own county, and he told the people there what improvements he and his family had recently effected upon their land:—

"But every month" said the noble Lord "that passed over his head convinced him, that so far from having done all that could be done, they had only made a beginning, and were only doing that which it was their bounden duty, but still more their abundant interest, to do."

But why is this discovery made only now? I am afraid that the efforts of the League are answerable for the clearness with which they now see that something must be done. Were the League to relax its efforts or to give them up, how much would be heard about improvements in agriculture, or about liberal offers from landlords to kill all the hares and rabbits upon their estates? But his Lordship went on to allude to tiling and draining.

"Over and over again he had heard from tenants that their land had been doubled in value by draining and tiling with slate soles, which had a great advantage over tile soles, being lighter and less liable to break in the carriage. They would tell him, perhaps, that these were very expensive operations, and that the farmer could not conduct those operations."

To which the meeting vociferously responded, "*Hear, hear, hear!*" And what said his Lordship? Why, precisely what the free-traders have been doing for years past. [This is from the report in the Liverpool paper, and he says],—

"Well, perhaps they could not, unless they had perfect confidence in their landlords, or unless they had the security of a long lease." [*Loud, repeated, and marked applause, the object being apparently to elicit something further on the subject of leases from his Lordship.*]

But nothing was elicited, for his Lordship went on as follows: —

"There were many other topics which he might press upon their attention, and said, that this was no time for the farmer to stand with his hands behind his back, going on half asleep, just as his father and his grandfather had gone before him."

But at all these meetings there seems to have been some practical man ready to comment on the advice given by the landlords, and on this occasion a practical man named Mr. Neilson was present and spoke. Let the House attend to his observations. They were as follows:—

"His Lordship has said, a material improvement in the agriculture of the county had been seen, but as far as his (Mr. Neilson's) observations went, these improvements had principally taken place on farms where the landlord had come forward with a liberal hand: he did not hesitate to say however, that with some exceptions, the landlords were more deserving of blame for the want of improvement than the tenants themselves. Look at the state of the land when the tenant first got possession of it. Look also at the terms on which it was let to him. They asked rent without legalized terms of possession, or they had a lease abounding in clauses for the protection of the landlord, but none for the tenant. In many instances these were totally restrictive of cultivation; tying them down from ploughing a certain part of their land, or restricting their cultivation to one-ninth of fresh land each year. These terms were not likely to induce a farmer to expend his money on property not his own. Far be it from him to make any depreciatory remarks on that noble system of mutual confidence which enabled estates to be handed down from generation to generation of tenants under the same family; but looking at the uncertainty of human affairs, and the fluctuations of property, this was not a general system—one under which a man was justified, with a proper consideration of his family, in expending his money. Seven years were not a sufficient time to enable a man to repay the outlay of improvement, without doing injustice to the land during the latter period of his lease. Give him a long lease, and he would freely stretch out his hand, with a certainty of getting it back again."

These remarks are made by a farmer in the presence of the noble Lord. It is received with marked applause, and not a word is uttered in repudiation of the sentiments expressed. There is moreover an extraordinary unanimity of opinion as to the causes of defective agriculture, which means as regards the community, a defective supply of food throughout the country; whenever there is independence enough combined with experience to give it expression. I have here the sentiments expressed by Sir R. Verney, on the subject of tenure, at a public meeting of the Bedfordshire and Buckinghamshire Agricultural Association. The hon. Baronet stated, after alluding to the generally defective state of farming, that—

"There is a remedy, and one which, aided by your landlords, it is in your power to adopt, viz., an improved system of farming. This would at once afford employment to the labourers, and the money which you now expend in poor-rates for the maintenance of their families would render them industrious and happy, and would yield to you a profitable return. In order to carry out such a system, you would require your farm-buildings to be adapted to increased produce from your land. You ought to have well-arranged farm-yards, with the

needful barns, and cow-houses and stables, and with cesspools, into which all your cattle-sheds and yards should drain. You ought to have encouragement and assistance in effecting such improvements, such as draining, &c.; and, having obtained these things, which it is as much your landlord's interest as his duty to provide, you ought to have the assurance of such permanency of tenure as will enable you to reap the fruit of any capital that you may embark in the cultivation of the soil."

The hon. Baronet went on to say that—

"One of the essentials to the prosperous pursuit of agriculture was a good farm-yard, and he would boldly state what he believed to be another — they all stated their opinions freely, and his opinion was, that unless they got leases, long leases, agriculture would never prosper in England as it ought to do."

On this same occasion at the dinner of this Bedfordshire and Buckinghamshire Agricultural Association—the editor of the *Mark Lane Express*, the avowed organ of the farmer, expresses his unqualified approval of these opinions of Sir Harry Verney, and stating that—

"He was happy to be present at this meeting, and to hear such sound observations from those who must give the start in agricultural improvements—the landlords. He felt confident that if the capital invested in the United States and other stocks were invested in that best of securities—farming, they might bid defiance to the world."

At the same dinner, the hon. Member for Bridgewater was present, and his opinions on this matter, and indeed on the question before the House, have been expressed with still more distinctness. I have seen them reported as follows—

"The more I see of, and practise agriculture, the more firmly am I convinced that the whole unemployed labour of the country could, under a better system of husbandry, be advantageously put into operation; and, moreover, that the Corn Laws have been one of the principle causes of the present system of bad farming and consequent pauperism. Nothing short of their entire removal will ever induce the average farmer to rely upon anything else than the Legislature for the payment of his rent, his belief being that all rent is paid by corn, and nothing else than corn, and that the Legislature can, by enacting Corn Laws, create a price which will make his rent easy. The day of their (the Corn Laws) entire abolition ought to be a day of jubilee and rejoicing to every man interested in land."

The farmers' clubs and agricultural societies all seemed impressed with the idea that the cultivation of the soil should proceed in a more efficient manner, that its capabilities were still great, but that the conditions under which land was occupied precluded their full development. For instance, I find Colonel Powell, at the Herefordshire Agricultural Society, who was described as "a friend of the farmers, a friend of the landlords, a friend of the poor, and a friend of man," said—

"I can see no prospect of any benefit till rents become more equalized with, and parallel to, the value of the produce of the land. Many meetings connected with agriculture have of late taken place, and various plans at these meetings have been adduced to meet the pressure of the times; but gentlemen, although good in themselves, they do not hit upon the right remedy. One says, drain, drain! You are all to be drained. Another tells you to keep up your orchards — nothing equal to Herefordshire orchards. Others say guano. This new manure will produce such immense crops that you yourselves will not fail to receive the bulk; this will be a remedy for all evils. Another says, if you are eaten up with hares and rabbits I will have them all killed—by-the-by, a proposition not to be entirely despised. Nothing more is wanted than that. But still there is only one thing that can be done to alter your position at the present time; it must come to this, that rents must be adjusted to the prices of the produce, and leases must be granted."

Again, he said,

"There must be fresh rents and corn rents. Draining, manuring, &c., are subjects worthy to be attended to, certainly; but these, if we may judge from the tone of the addresses that have taken place at some of our meetings lately held, are to be a specific remedy. There is a new dictionary just published, which contains a vast number of words—many new ones—and a most excellent work it is, and some critics speak most highly of it; but it has an omission of one little word—one little word is left out—that word gentlemen, is 'rent.' To some this is a most perplexing little word, and to many it proves so; at all meetings that take place the speakers use excessive caution about repeating this little word, and I observe invariably, the word 'rent' rarely comes out—this bolus gentlemen, they cannot articulate, much less digest."

Colonel Powell thus concludes his able and honest speech—

"I say gentlemen, that one thing only can benefit us so as to do us any lasting good, that is, fresh rents, corn rents, long leases. These form a just and equitable guide between landlord and tenant. The farmer would then know what to depend upon. This would be only fair between man and man."

The gallant Colonel sat down amidst loud and long applause. Again, Sir R.

Pigott, at a recent meeting of the Worcestershire Agricultural Association, as Chairman said—

"It is through the medium of such societies as these, and these alone, that we can hope to throw off the weight that oppresses us, and promote the regeneration of agriculture."

The hon. Baronet so describes agriculture after thirty years protection, that something must be done to regenerate it, and he goes on to say—

"I trust there is no one so blind in this way as not to see that a sort of public interdict has gone forth against the return of high prices throughout the world, and apart from all political influences—though no doubt it is very agreeable to us to be able to talk over those days when sowing and gathering were mere mechanical operations, and when the profits were sufficient to cover any deficiency either of produce, industry, or skill—depend upon it those days will never return."

That is, the happy days when the high price that the people could be made to pay for their food, would cover the consequence of ignorance and neglect among the producers. Here again, however, the practical man has a word to say, and a Mr. Collis, a farmer, is reported to have said,

"The president has said that the landlord would be glad to meet the wishes of the tenant; but, at the same time, I do think that if the tenant had a more fixed tenure in the land [here the speaker was interrupted by the cheers of the farmers], the landlord would get as good rents—better perhaps—and more regularly paid; and that it would be to his advantage, as well as to the advantage of the tenant. [*Loud cheers.*] There is no other means of accounting for the prosperity of the Scotch farmer, except that he has a better tenure than we have. [*Cheers.*] I read with great pleasure a speech of Lord Hatherton, in which he said that light and poor lands were not only better cultivated where the tenant had got a lease, but the tenant was able to pay much higher for them. [*Cheers.*] We must also recollect the very able paper by Earl Spencer on Lord Leicester's farm—very light soil, which has been reclaimed, but which now grows excellent crops. It is quite impossible a tenant can do this unless he has a fixed tenure [*Loud cheering*], because, whatever may be his faith in his landlord, circumstances over which he has no control might occur—the tenant might die as well as the landlord, and then his family would not have any return for the money which he had spent upon the soil. [*Loud cheers.*] Besides, great advantage must arise to the landlord as well as the tenant, because the land would be very much benefited, and thus become more valuable. I lately read a speech of the Earl of Stair, in Worcester—and I find the farmers are framing it—in which he says he will grant his tenants leases on terms; the tenant to lay out money as well as the landlord; and the only advantage to the tenant—and a great one it is—will be, that he is to have a lease.'

I have many more reports of what has been said lately, all shewing that it is the opinion of the most experienced men, that agriculture was behindhand, that it ought to be improved, and that the circumstances under which land was now held, prevented that improvement. I have particularly adverted to this, because I expect to find some Member rising on the other side, and saying that, by chemical processes and other improvements, the deficiency of past times was likely to be supplied; and though admitting what perhaps it would be difficult to dispute that the country is under-supplied with food, yet alleging that if the skill of the agriculturist is encouraged he will be able to meet the demand. Now, he had pointed to those meetings not for the purpose of disputing this position, but to shew that this encouragement depended upon sacrifices being made on the part of the landlords, which were but little likely to be made. The fact was, there was required from the landlord a sacrifice of power, patronage and pleasure. First, they were asked to convert tenants-at-will into tenants under lease; and he need not tell hon. Members what a sacrifice that was. Instead of the farmers going to the hustings like serfs, they probably would, because they could, exercise an independent judgment on the choice of their representatives. It could not be denied that, ever since the passing of the Reform Bill, the custom of giving leases had rather discontinued, and the practice of taking tenants-at-will had become more general. There was not the least likelihood then of tenants getting leases. The fact was, the competition for land made landlords comparatively safe in not granting them. I saw lately fifty-six applications had been made for one farm in the county of Hereford. Under such circumstances, did any man think landlords would not look for, and would not get, the highest possible price for their land? Then they were secure of their rent, for being the law makers, they had of course not forgotten themselves, and by the somewhat arbitrary law of distress they obtained priority over all other creditors and such power over the tenants' property as made them sure of such rent as was

due. Again, as regards the prospect of money being laid out in improvements, it must be remembered that, the proprietors of land were generally but tenants for life themselves, as the occupiers were holders at will, and they had, therefore, but a slight motive to lay out much money for a distant advantage. From the customary mode of settling property in this kingdom, in nine cases out of ten, when our hereditary proprietors came to an age to look to the improvement of their estates, they found themselves in a position for saving rather than spending money, and knowing that their properties must descend to their eldest sons, they felt bound to make provision out of their personal property for their youngest children. This is not only my observation, but has been expressed by those who has turned their attention to the circumstances essential to the improvement of agriculture. Was it likely, again, that the landlords would sacrifice the patronage and pleasure conveyed in their power over game? Nothing harassed or perplexed the farmer more. The game destroyed his crops, without its being possible in many cases to make him any indemnity: the discouraging effect upon the farmer in his calculations for improving the land of being obliged to preserve or not being allowed to destroy the game could not be estimated; yet when we read the quantity of game killed at a battue of a landholder, was it to be expected he should forego such a source of patronage and pleasure? The fact was, we could never induce the landlords to make the sacrifices required by the interests of the community, until he saw it would be for his advantage to have the greatest amount of produce at the lowest price. When that time came then would he be induced to seek out men of capital and skill and to confer on them a lease. Under such a system we might hope to see landlords seeking out farmers who would farm the land well, and be happy to give them leases at the rent they would agree to pay; and I should like to see landlords competing for tenants, instead of fifty tenants competing for one landlord. I am bound to admit, from inquiries I have made, that at present there is a great reluctance on the part of some farmers to accept leases if the landlords would grant them. But why? From the uncertainty of the present state of things. They have been severally promised 80*s.*, 64*s.* and 56*s.* a quarter for their corn. They have at different times got 40*s.* instead of 80*s.*; 39*s.* instead of 64*s.*; 46*s.* instead of 56*s.*; the farmers have been promised the higher price, but have been deceived, after they had acted upon the faith of getting them; he now saw there was no assurance for his price, and he never knew from year to year what the Legislature might think proper to do. And I venture to say, that no intelligent farmer would say he could suffer as much by free-trade, with certainty of tenure as he now did as a tenant-at-will, harassed by competition and deluded by a protection that was never realised. Now then, Sir, I consider that I have established these several positions namely, that the supply of food provided from the soil of this country has been deficient,—that great evil and inconvenience has resulted from it—that the protective system leads to and favours a bad and slovenly system of cultivation,—that we have no hope of a sufficient supply from our own soil without great improvement in agriculture,—that vast numbers of the people are daily suffering from want, and that they are rapidly increasing in number; and I say, that under these circumstances we are bound to consider if the evil cannot be averted in future? Now, I ask if they are inevitable? Why should they be? Why should commerce, subjected to and regulated by competition, be mistrusted in this case more than in any other? The right hon. Baronet said we could and ought to trust to this principle in every case except in the issue of money. We generally trust to the operation of mutual self-interest among members of a community for satisfying their respective wants. Is there any reason to expect that it will fail in this case? Why should it? And if any doubt honestly exists on this subject, why do we not inquire if it is well founded? Why do we not question, at this Bar or in our Committees, those who would naturally engage in the trade? Why are not our merchants and ship-owners and others, who conduct our foreign trade, not examined and asked whether they have reason for doubting that, under the ordinary operations of commerce, a regular and abundant supply of food, at the lowest cost at which it could be procured, could not be furnished to our markets, should the produce of our lands at home prove inadequate for the wants of our vast and augmenting population? If this inquiry is not made, does any body really doubt that it proceeds from the certainty that is felt of the reply that would be given, and of the confidence

with which it would be asserted, that the objection or doubt is totally and without a question unfounded. Some of the foolish things indeed which have been said before, to create doubts on the matter, can hardly be repeated after the recent experience which we have had. For instance, we should hardly hear this evening that nothing but bullion would be taken in exchange for grain, if the trade in this article was free. We have been importing for five years past large quantities, to the amount, as I said before, of 17,000,000 quarters; and the greater part of it we know has been paid for by manufactures exported to the countries from which this grain has been brought; and notwithstanding the apprehension that the bullion would disappear altogether if the trade in grain was free, there never has been so large an amount in the coffers of the Bank of England as there is now, and as there has been for upwards of the last three years. There appeared a short time since a very able article on this subject in the *Economist* newspaper, from which I will quote the figures showing that during this time, while our exports to other parts of the world were falling off, yet to the grain-growing countries from which we have been importing largely, it had increased. Thus in the following years

	1837.	1842.
Exports to Continental Corn Countries . . .	£11,581,242	£16,860,416
Exports to all other Countries	41,787,330	30,520,607

Would any body then pretend to doubt that, if under all the disadvantage and uncertainty with which the trade in food with other countries is carried on at present, the exchange is still effected by means of manufactures, that it would not do so with more certainty and profit if the trade was regular and unrestricted. These things indeed can hardly be questioned with honesty in future; and it rests now with those who cannot deny, that under the present circumstances of our country, and the mode in which our agriculture is conducted, we are insufficiently supplied with food, to justify, by reasons we have not yet heard, the continuance for their own benefit, of restrictions so replete with danger and disaster to the people. I have now only to apologise for having occupied the time of the House so long; and I will only for a moment advert upon the objection usually taken to the resolution which I propose, that it is extreme and unreasonable. Now, I should wish to ask, in the first place, who it is that has a right to make this objection? Who is it that has a right to complain that the demand I make is too large? Is it those who say that they will, under all circumstances, stand by the existing protection, and will be no parties assenting to the abatement of one iota of it? Is that the language that ought to deter me from demanding, on the part of the community, what is right in principle, and what, in justice, they are entitled to? Surely, no! Yet these it is said constitute the majority in the Legislature. What chance, I ask, should I have with these, if I had proposed a moderate fixed duty, instead of my Resolution, and which I am told is the reasonable thing to move? Is there the smallest reason to say that this would be received with more favour than what I propose; or if there was any real ground of alarm, or of complaint at the extent of change that would be effected by totally abolishing this law, according to the apprehension of interested opponents, would not the danger be as great, if the principle of the law was altered, and what is called a small, or moderate, or low fixed duty was proposed instead of the sliding-scale? If there are vested interests involved in this system of making food scarce, by means of inferior lands being kept in cultivation, would not these (granting the position to be true) be said to be as much in jeopardy by this change as by a total repeal? What is it that is said by the advocates of the sliding-scale in private? why, that its great merit is, that it prevents the trade being regular, that it prevents this market being calculated upon by foreign growers, and that if the trade was to be regular they would sooner have the trade free and the question settled than a pretended or delusive protection in a small fixed duty. Indeed, the intelligent men of this kind say if the trade is to be regular, they would sooner have the price at home low than high, for they know well that it is the high price and not the low price that makes this a good market for foreigners. Under the operation of the scale there is never much to come in from abroad when it is wanted most, it is only the surplus of what is grown for other countries, but if the trade was made regular, the price at home would probably fall, and while this would lead to economy and improvement at home, it would make the market less good to the foreigner. Whenever, therefore, Gentlemen opposite are induced to admit that

they have no right to legislate against the community to benefit themselves, they will be as ready for free-trade as for a fixed duty. But while their power is sufficient to exclude this from their consideration, they will determine the amount and form of protection that suits them. best. With regard to the change being immediate which I propose, I say, that I have the best authorities in its favour, and that all men who have experience in these matters say, that when commercial changes are to be made, they ought to be made completely and immediately. We had the authority of the President of the Board of Trade only the other night in favour of this view. Nothing could be wiser than what he said. He said, commerce will always adapt itself to circumstances, and to keep great questions of trade in suspense, was the way to contract commercial enterprise and produce the evils that were apprehended. Upon this ground, the Wool Duties were totally, immediately, and unconditionally repealed; and what said the right hon. Gentleman at the head of the Government only a few nights ago to console his Friends, who were complaining of the measure. Why, that the sudden transition from restriction to freedom had improved the prices in the market. In looking back to the period when the policy of an open trade between England and Ireland was in question every argument that is used now against free-trade with the rest of the world was then used against the trade with Ireland being free. Cheapness of Irish labour, peculiar burthens of England, vested interests, and the apprehension of land being thrown out of tillage here, in short, every thing now relied upon as pretext for continuing the law, was dwelt upon then. The trade however, was opened, and what was the result? large importations of wheat doubtless took place, but the trade between the two countries greatly increased, and while through the increasing demand of the people here the price of food was maintained in the market, nothing but advantage accrued to the two countries. These pretexts however, seldom succeed when the interest is weak, for instance, the Beer Duties were immediately repealed in spite of large capitals having been invested in the licensed ale houses, and arrangements having been all formed upon the faith of the Act that regulated the old system. The complaints of brewers and publicans were disregarded, and the principle of minor or particular interests yielding to the general interests, was acted upon. Again with regard to machinery, it was plausibly argued that by allowing its free exportation, an advantage was given to foreign manufacturers in rivalry with our own. The interest affected in the matter was comparatively weak, and their remonstrance was unheeded, and now our best machinery is exported freely to the world. [Mr. *Gladstone*: The change was eighteen years in progress.] Well, the changes in the Corn Laws have been going on for the last thirty years, there have been about seven alterations in the law since 1815, and one undeviating struggle against the law on principle. Again a case quite as strong in point of effect and hardship, might be made out in favour of those who had lent their money on Turnpike Trusts, they had an Act of Parliament to depend upon, and they considered the security a safe one; the projectors of railroads obtained an Act to enable them to carry out their project. The paramount interest of great public advantage in the better mode of travelling demanded that every facility for its adoption should be given, and no time was given to the mortgagees to change their security. But a still more important change was effected of late years, and without any of the considerations that are assumed to operate in this case. I mean the Poor Law—the analogy in this case is quite close, for though the old Poor Law was very prejudicial to the poor themselves —but they did not think so. They had expectations raised under it, however mischievous they might be, they were influenced by it in their conduct, in their domestic relations, their character, indeed, may be said to have been formed under it, and perhaps if ever there was a case in which the feelings of the people should have been duly considered, though opposed to an enlightened view of their own interest it was in this case. There was, however, the sudden introduction of a somewhat rigid system without any deference to what might be termed the feelings or immediate wishes of the poor. [Mr. *Borthwick*, "Hear."] The hon. Member appeared to be sensitive on this point; I should like to ask for whom he was going to vote to night? [Mr. *Borthwick*: For the poor.] The hon. Gentleman is going to vote against this Motion, and he will doubtless tell us that he is swayed in doing so by the old arguments of existing interests, peculiar burthens, and the necessity of consulting the feelings, and prejudices of

those whose interests would be immediately affected. But he knows he cannot repeal the New Poor Law, which in truth should only have been passed after the repeal of the Corn Law, and the hon. Member knowing that he cannot alter the New Poor Law as he is supposed to wish, knowing that its rigour proceeds from the extent of pauperism in the country, is going to vote for the continuance of the law, which limits employment to the poor and renders the food dear to those who are, God knows, but ill requited for their labour. He was going to add to the wealth of the rich by raising the price of the food to the poor, but did nothing to raise the wages of the unfortunate labourer; and then said that he was going to vote for the poor! He knows that he can do nothing so pleasing to the dominant class as to vote against this Motion, and he knows what I well know, that he can do nothing more offensive to that class than to support this Motion — to conciliate their favour, or to obtain their patronage he must oppose this Motion—and if he can be offensive to those who support it, they will applaud him the more. It was the same with the question of the Slave Trade and slavery when it was allowed by the British Government, and was sought to be abolished by a few persevering persons, and the same arguments, that I am combating as to existing interests and the danger of changing at once a system so long established was urged at that time, in favour of perpetuating those abominations. Mr. Pitt himself, was unable to shake the interested influence in this House on this matter, and it called forth one of his most indignant rebukes, when he was charged with disregarding the vested rights of the planters. He said:—

"I do not understand complimenting away the lives of so many human beings. I do not understand the principle on which a few individuals are to be complimented, and their minds set at rest, at the expense and total sacrifice of the interest, the security, the happiness, of a whole quarter of the world, which, from our foul practices, has, for a vast length of time, been a scene of misery and horror. I say, because I feel, that every hour you continue this trade, you are guilty of an offence beyond your power to atone for; and, by your indulgence to the planters, thousands of human beings are to be miserable for ever. I feel its infamy so heavily, I am so clearly convinced of its impolicy, that I am ashamed I have not been able to prevail upon the House to abandon it altogether at an instant—to pronounce with one voice, 'immediate and total abolition.' There is no excuse for us, seeing this infernal traffic as we do. It is the very death of justice to utter a syllable in support of it. Sir, I know I state this subject with warmth. I feel it impossible for me not to do so; or, if it were, I should detest myself for the exercise of moderation."

Now considering the irreparable mischief which has been inflicted on millions of our people by the operation of these laws, the moral as well as pecuniary ruin, which by their effect on our commerce they have at different times brought upon the industrious classes—and the certainty which their continuance holds out of a recurrence of these evils I cannot and will not, for the sake of conciliating a few great men, abandon a great principle which in its application has in view to redress an enormous wrong, and to confer a vast advantage upon the people at large. I therefore now beg leave to move the Resolutions of which I have given notice.

Mr. *Ferrand* said, the hon. Gentleman who had just addressed the House had not informed the House what particular interest he was anxious to represent. The Anti-Corn-Law League party had endeavoured to convince the working classes of this country that they had their interest particularly at heart, and for a time they were enabled to make many of those classes believe so, and they received considerable support from them; but at last the working classes showed that they were fully aware of the intentions of the Anti-Corn-Law League party, and they were now so detested and despised that they dared not hold one single public meeting in the manufacturing districts of Yorkshire or Lancashire. During the last winter he had visited between thirty and forty of the largest manufacturing towns in those counties, and he there gathered that there was one universal feeling upon this question—the working classes were diametrically opposed to the repeal of the Corn Laws. If that was not the case he would ask the hon. and learned Member for Bolton how happened it that he did not go to the manufacturing districts and put this question fairly and broadly to the working classes; and if they could not come to that House, backed by the opinion of the mass of the people of the manufacturing districts, he asked what right had they to call upon that House to listen to

their statements and believe their assertions? In Manchester on one or two occasions attempts had been made by the working classes to express their opinions in the presence of the Anti-Corn-Law League upon this question, and what treatment had they received? The hon. Member for Wolverhampton said he would read a letter to show the opinion of the landed proprietors upon this question. He would take the opportunity of reading to the House a letter from a working man, stating the treatment he had received at the hands of the Anti-Corn-Law League party in Manchester, which was as disgraceful to them as a body as it was to the magistracy of the town. On the 14th of February the Anti-Corn-Law League party held a meeting which they declared to be public, at the Free-Trade-hall, and true it was that those who were admitted within the bar had presented to them tickets, one of which he then held in his hand. The workmen at that meeting put a question to the assembly after the hon. Member for Stockport and Colonel Thompson had declared that the meeting was public—"Is this a public meeting?" and now let the House listen to the treatment this poor man received. He had written to him (Mr. Ferrand) in a letter dated "Manchester, February 20," and he had made the strictest inquiry as to the truth of this man's statement, and found that it was true. [The hon. Member read a letter from an unnamed individual complaining of having been expelled from an Anti-Corn-Law meeting at Manchester and confined in the police office]. Then came said the hon. Member six signatures attached to the letter, as witnesses. He went to this man, and advised him to lay the whole case before Mr. Maude, the stipendiary magistrate of Manchester. There was, he was sure, no man in that House who would assert that the conduct of this individual was illegal. When one man was given in charge, he could not be discharged without being taken before a police magistrate; but here the man was first confined in a cold, damp cell, then taken before Mr. Maude, and that gentleman told him the police were justified in what they did. That was the treatment the working classes received at the hands of the Anti-Corn-Law League whenever they attempted to express their opinion against the principles of that body. He would ask the right hon. Gentleman the Secretary for the Home Department whether, in allowing such conduct, he was performing his duty as a public officer paid by public money? The hon. Gentleman had been particularly desirous of impressing on his hearers that the working classes in the agricultural districts, if deprived of their labour by free trade in corn, would find employment in the manufacturing districts. Such an attempt was made in 1837 and 1835, and the result was well known. Some of the most influential parties of the Anti-Corn-Law League were most intimately connected with what he had ever called, and should continue to call, selling of people out of the agricultural into the manufacturing districts. Strong assertions were then made on the part of the manufacturing classes, that if the working classes were removed from the agricultural districts, they would find food and employment in abundance; but in some three or four years he himself heard the hon. Member for Manchester assert in that House that thousands of the working classes in the manufacturing districts were living on 15½*d.* per week, and were obliged to pawn their clothes to procure covering during their hours of rest. He had often asked in that House where were those wretched creatures now? An attempt had been made by the Poor Law Commissioners to render an account of them, but it was as disgraceful to them as it was to the manufacturers who had induced them to leave the agricultural districts. But let him bring before the notice of the House what had been the extension of their trade in the manufacturing districts upon the working classes. Let them be heard. The manufacturers were heard in that House, for there were plenty of their order there to fight their battles. But let the working classes be heard. Let him bring to the notice of the House the memorial of the wood-sawyers of Manchester and Salford which had been presented to the Lords of the Privy Council for Trade. That body had presented a petition to that House, imploring it in the most abject language to listen to their prayer, and remedy the sufferings they had endured for years in peace, but they had memorialized in vain. [The hon. Member read an extract complaining of the number of sawyers who were thrown out of work by machinery.] It said—

"A pair of sawyers consider it a good average day's work, they being paid by the piece,

to cut 300 superficial feet in twelve hours, while one steam sawmill, in the same period of time, with the assistance of six men, will cut at least 30,000 feet, thus doing the work of 200 men, throwing 194 sawyers out of employment, and, at a very low average of three to each family, leaving 582 individuals destitute of the means of subsistence. That your Memorialists conceive they have thus made out a complete and palpable proof, that machinery applied in the sawing of timber drives manual labour out of the market, and, contrary to its effects in other branches of industry, without advantage to the public—the mill-owner being the only person who derives any benefit from it."

That was the language of the sawyers of Manchester and Salford, and yet not any allusion was made to the Corn Laws as being the cause of their distress. He had also in his hand a petition from the calico block-printers of Lancashire, Cheshire, and Derbyshire. [The hon. Member quoted a portion of the Petition in which the petitioners complained of printers being thrown out of work by the use of machinery. They prayed for restrictions on the employment of machinery.] Had the block-printers, continued the right Member, petitioned for a Repeal of the Corn Laws? If hon. Members went down into the districts where these men were employed, they would find that their firm conviction was, that the Repeal of the Corn Laws would only tend to increase their misery, and to involve them in deeper distress. The men to whom he was alluding, had not forgotten the misery which formerly resulted from the introduction of thousands of agricultural labourers into the manufacturing districts. That step had done more to weaken the power of the Anti-Corn Law League than any opposition they had had to encounter from the agricultural interest. During the last two Sessions of Parliament he had presented petitions to that House, signed by 25,000 frame-work knitters in different counties. who declared that they regarded the extensive use of machinery as the great cause of their sufferings; but these petitioners did not make any complaint of the continuance of the Corn Laws. He would beg the indulgence of the House while he read some extracts from a pamphlet written by a Manchester operative, which had been published to-day at the expense of an hon. Friend of his, one of the Members for Cornwall (Mr. W. Rashleigh). He had made strict inquiries as to the truth of the allegations contained in that pamphlet; and if they were denied by hon. Gentlemen opposite, he was prepared to put their accuracy to the test. He would ask any hon. Gentleman who denied the truth of those statements to go down to Manchester, and meet the writer of this pamphlet publicly, before the working classes, and there to ascertain whether or not his statements were true. He would read a few extracts from this work, to show the dreadful misery and sufferings to which the manufacturing operatives had been reduced in consequence of the extensive introduction of machinery. He would show the House what had been the effect upon the hand-loom weavers, the power-loom weavers, the spinners, fustian-cutters, machine-makers, and block-printers. He found, from the statement of the writer of this pamphlet, that in the year 1781, 5,198,778lbs. of cotton were produced in this country; there were sixty reeds in the piece of twenty yards, and 120 picks; and for this the operative received 33*s.* 3*d.* In 1841, the production of cotton was 528,000,000lb. The reeds were then increased from sixty to sixty-three, and the piece was lengthened from twenty to twenty-four yards; but the weaver received only 3*s.* 9*d.* for the work. The writer of this pamphlet remarked:—

"It will be seen by the above table, that the mean increase in the manufacture of cotton from 1781 to 1841 was from 5,198,788lbs. to 528,000,000lbs., or, in other words, our trade has increased 101 times; that is, where we manufactured one pound of cotton in 1781, we manufactured 101lbs. in 1841. We presume the Corn Law Repealers could not expect a more rapid increase of trade than has here taken place during the last sixty years, supposing that all restrictions were removed from our commerce; and surely if there were a shadow of truth in the statements, that 'increased trade, would give increased prosperity to the working classes,' they ought indeed to be supremely happy. During the periods included in the above table, it will be seen, however, that the handloom weaver was reduced from 33*s.* 3*d.* for weaving twenty yards of a sixty reed, down so 3*s.* 9*d.* for twenty-four yards. Now if the hand-loom weaver of 1841 was paid for weaving twenty-four yards, at the same rate as the weaver of 1790 for weaving twenty yards, he would receive 39*s.* 10¾*d.* instead of which he only receives 3*s.* 9*d.*; that is, he receives 1*s.* where he used to receive 10*s.*"

They had here the history of the cotton

handloom weaver since 1781. But what had been the effect of the adoption of machinery upon power-loom weavers? In 1825, the power-loom weavers employed by Mr Ashton, of Newton-moor, received 2*s.* 8*d.* for a piece consisting of 72 reeds, 24 yards, 22 picks; while in 1836, for the same work, they only received 1*s.* 2*d.* In 1824, the power-loom weavers in Mr. Hepburn's mill received 2*s.* for a piece of 72 reeds, 24 yards, and 22 picks; and in 1843 they received only 1*s.* for the same work. In 1837, the power-loom weavers at Mr. Guest's mill, Holttown, received 1*s.* 1*d.* for weaving 36 yards, 46 reeds, 42 inches, 12 picks; and in 1843 they only obtained 1*s.* for 60 yards—the length having been increased, between 1837 and 1843, from 36 to 60 yards. But what had been the case with respect to the spinners? The writer of this pamphlet gave a list of 20 of the largest coarse mills and 15 of the largest fine mills in Manchester. It appeared that in 1829 there were in the 20 coarse mills 770 spinners and 371,883 spindles. In 1841 the number of spinners had been reduced to 200, and the number of spindles had been increased to 409,258. The number of men thrown out of work was 529, while the number of spindles was increased by 35,385; and, during this period 428 "self-actors," which, he believed, were worked without the superintendence of operatives, were introduced into these mills. But the writer also gave a list of 15 fine mills, in which, in 1829, 1,000 spinners were employed, and in which there were 674,074 spindles. In 1841, the number of spinners had been reduced from 1,000 to 487, while the spindles had been increased to 736,128; 513 spinners were consequently thrown out of work, while there was an increase of 638,854 in the number of spindles. The spinners of Manchester, while suffering under severe distress, issued an address to the public, in which they thus referred to the effect produced by machinery upon their labour:—

"There were, in 36 coarse firms in 1829, 1,088 spinners employed; and in 1841 only 448; and those 448 were working upon 53,353 spindles more than the 1,088 men were in 1829, in addition to throwing out of employment 640 men. If the wheels must have continued the same size as in 1829, their numbers would have been 1,348 employed, thus in reality throwing out of work 1,100 men through the improvements in machinery, and we regret to add, that those who remained in employment have been reduced upwards of 60 per cent., which has thrown out of circulation from the spinners and their piercers the enormous sum of 2,700*l.* per week, or 135,000*l.* a year, allowing 50 weeks to the year. Whether legislative interference or individual avarice has brought about this state of things, we do not attempt to decide, but this we do know, that thousands of our fellow-workmen, their wives and families, have fallen victims, whilst those who are in employment are so much overworked, that they are too old for their business when they should be in the prime and vigour of life."

The fustian-cutters, though they had not suffered so severely as some other classes of operatives from the introduction of machinery, had still felt its effects to a great extent; for as was remarked by the author of this pamphlet, when numbers of persons were thrown out of employment by the introduction of machinery in any particular branch of labour, they immediately came into competition with hands employed in other branches of industry. The wages of fustian-cutters, which, in 1827, were 1*l.* 6*s.* 6*d.* per week, had been reduced in 1843 to 10*s.* It had been stated by an hon. Member of that House (Mr. Brocklehurst), before a Parliamentary Committee, that in 1821 the weekly wages of silk weavers employed in the manufacture of one description of silk were 30*s.*, while in 1831 they were reduced to 9*s.*; and that a proportionate reduction had taken place in the wages paid for other qualities. The right hon. President of the Board of Trade (Mr. W. Gladstone) at the close of the last Session of Parliament inserted a Clause in the Customs Bill, by which the exportation of machinery from this country was legalized. He believed that that step would be attended with most ruinous results to the trade of this country. It might have the effect of giving an impetus for some time to come to the manufacture of machinery; but when he had asked the opinion of several manufacturers, who were advocates of free-trade, as to the conduct of the President of the Board of Trade in proposing this measure, their answer had invariably been "Oh, he began at the wrong end. We are all anxious for free-trade—except in machinery." It appeared, therefore, that these manufacturers, who were strong advocates for free-trade in corn, did not at all admire the principle of free-trade as applied to machinery. He believed that if the hon. Member for Sheffield instituted

a diligent inquiry among the advocates of free trade on the opposite side of the House, he would not find a single person who was not prepared to contend that these was some particular interest in this country which required protection. He would beg to read to the House a statement which had been issued by the machine-makers of Manchester, to which he begged to call the particular attention of the right hon. President of the Board of Trade. They stated that in one of the large machine shops in that town the following machines had been introduced, since the year 1838:—

One planing machine, equal to fourteen men, employs one man or boy to direct it; five smaller ones, equal to three men each, employ one person each; one blotting machine, equal to twelve men, one person directs it; one self-acting lathe, equal to three men, with one person to superintend it; one nut-cutting machine, equal to three men, employs one boy; one screw-cutting machine, equal to ten men, employs one boy; one wheel-cutting machine, equal to twenty men, employs one man; one boring machine, equal to ten men, employs one person. In another shop, there were twenty self-acting lathes, equal to a hundred men, one man or a boy attends two of them; eight planing machines, equal to ninety-six men, one man or boy attends one of them; one nutting machine, upon a further improved principle, equal to twenty men, employs one boy only; one slotting machine, equal to twenty men, one man or boy to direct it."

The writer of the pamphlet from which he (Mr. Ferrand) was quoting, then went on to say,

"We give the above statement of the machine-making machines, as a sample only of what has taken place in all parts of the country. Upon the most moderate calculation, the machines set to work to make machinery in Manchester, during the last twelve years, are equal to the labour of 3,000 mechanics, as previously employed; and, notwithstanding the great increase that has taken place in this description of labour, in a great measure owing to the foreign orders given to the master mechanics from Russia, Prussia, and other countries, there were in 1843, 450 out of employment in Manchester alone."

The hon. Member for Wolverhampton (Mr. C. Villiers) had given a most harrowing description of the sufferings of the agricultural labourers, and, if the statements of that hon. Member were true, their position was a disgrace to the agricultural proprietors in any county in which such distress existed; but, if these statements were true, the suffering to which the hon. Gentleman had alluded could only be increased by the repeal of the Corn Laws. He would describe to the House the condition of the manufacturing operatives in Bolton—a town represented by the hon. and learned Gentleman opposite (Dr. Bowring). The following statement was made by Mr. Ashworth, of Bolton, a very active Corn Law repealer:—

"There are in Bolton 300 families, consisting of 1,400 persons, whose sole income does not exceed for food and clothing 15½*d.* per head, per week. There are 1,000 families with only 1*s.* 6*d.* per head weekly; 1,200 ditto 2*s.*; 1,300 ditto 2*s.* 6*d.* Of these poor people 1,601 had only 500 beds amongst them; 582 of them slept three in a bed; 185 ditto five in a bed; 75 ditto six in a bed; 42 ditto seven in a bed; and in some instances, eight in a bed; and 23 had no bed at all."

This was the statement of Mr. Ashworth, a gentleman whose opinions and statements were frequently quoted by hon. Gentlemen opposite. His firm conviction was, that, if they searched throughout the whole agricultural districts of England, they would not find anywhere such frightful misery and degradation as it appeared from the statement of Mr. Ashworth existed in Bolton. The hon. Member for Wolverhampton had laboured to convince the House that the repeal of the Corn Laws would be beneficial to the labouring classes. The hon. Member had, however, long ago ceased to address such assertions to the working classes themselves, for they knew full well the fallacy of such statements. He thought he could not do better than read to the House the answers given by a Bolton weaver who was examined before a Committee of that House to an hon. Member who asked his opinion as to the effects which would be produced by the repeal of the Corn Laws upon the condition of the operative classes. The question was asked, "Would you be as well off if the Corn Laws were repealed as you were" (in a given year mentioned?) The reply was, "No; if you gave me all my food for nothing I should not be as well off." "Why?" "Because since that period the reductions that have taken place in my wages amount to more than the price of all the food I eat, and the clothing that I wear." He (Mr. Ferrand) believed that Mr. Ashworth has stated, at a public meeting held in London two

or three years ago, that a Bolton weaver could afford to purchase a shirt only once in five years, on account of the low rate of his wages, caused by the introduction of machinery; but a Bolton weaver was able to weave as much cotton in a week as would make 50 shirts. Now, he would ask hon. Gentlemen opposite, who were anxious to extend to the commerce of this country, even at the risk of sacrificing the agricultural interest, how they could reconcile the assertions they frequently made in that House with the statements he had read to-night, on the authority of a manufacturing operative? It had been customary for hon. Members opposite to assert that the statements made by him in that House were incorrect. But what was the statement of the working classes when he (Mr. Ferrand) visited Yorkshire and Lancashire last winter? The hon. Member for Sheffield laughed; but he could tell that hon. Gentleman that the working classes of those counties had said that every word he (Mr. Ferrand) had uttered in that House was true; and informed him, also, that his assertion of those truths had caused them to place confidence in him. The persons who had contradicted him knew that they were contradicting what was true; but they durst not meet him in the manufacturing districts and there deny the truth of his statements. He was extremely sorry to disturb the noble Lord [Viscount Howick, who was apparently in a state of forgetfulness] but he hoped that when the noble Lord was fully awake, some hon. Friend of his would inform him what he was now about to state. On more than one occasion that noble Lord had positively asserted in that House, that he (Mr. Ferrand) had charged the hon. Member for Stockport (Mr. Cobden) with carrying out the truck system in all its harshness and cruelty. He denied that he had ever made such a charge against that hon. Member; and if the noble Lord reiterated that charge, he would call upon him as a Gentleman, and as a Member of that House, to read the words in which he had made that accusation. The statement he made, on the occasion to which the noble Lord had alluded, was this—"Will the hon. Member for Stockport deny that he kept cows and sold the milk to his workmen?" A few days afterwards the hon. Member for Stockport denied that he did; and a Committee was appointed by the House to inquire into the extent to which the truck system was carried. One of the witnesses examined before that Committee was a gentleman residing at Chorley, where the print-works of the hon. Member for Stockport were situated; and he was asked—"Does any manufacturer in your neighbourhood keep cows and sell the milk to his workmen?" The answer was, "Yes, Mr. Cobden does." The hon. Member for Stockport (Mr. Cobden) was present while that witness was under examination, but he never put one question to him nor did he then deny the truth of his assertion. He hoped, therefore, that before the noble Member for Sunderland again charged him with bringing unfounded charges against the hon. Member for Stockport, he would in candour and fairness state his grounds for making such an accusation. He regretted that the hon. Member for Wolverhampton had quitted the House—he should liked to have asked the hon. Member whether he had found it convenient to forget the language he used when the hon. Member wss employed as a Commissioner to ransack the country for evidence upon which to found the New Poor Law. Had that hon. Member forgotten that in his Report he gave the same advice which he now gave to the working classes—that they should combine for the protection of their labour against the injurious effects of machinery? Unless they did so, he was convinced that they would be sunk deeper and deeper still in misery and degradation, in order that they might pander to the luxuries and increase the wealth of the millowners. The hon. Member for Wolverhampton, in his Report, which was to be found in No. 11, Appendix A, part 10, p. 39, said, on the authority of one of his witnesses,—

"Amongst other evils that have arisen from the lowness of wages has been a deterioration in the character of the work, which has tended to drive the trade to other parts of the country."

Again, at p. 40, he said,—

"On conversing with another manufacturer, I found that he regretted the great fall in wages, but said, that as a capitalist, he had no choice between reducing the wages of his men and giving up his business, for, if a certain portion of the operatives were obliged to take lower wages, the wages of the rest must also follow, since otherwise the master who employed those at reduced wages would get possession of the market. He said he could always calculate out of a given number of workmen

what proportion working at low wages would bring down the rest, and that if any circumcumstance caused a fall in one district, wages must fall in all other districts producing the same article."

He should like to call the attention of hon. Gentlemen opposite to the language the hon. Member for Wolverhampton used when calling upon the working classes to protect their own interests and industry. At page 47, the hon. Member said,—

"It is to be feared that many of the devices to which parishes resort" [such as he (Mr. Ferrand) supposed the deportation of what they called their surplus population to the manufacturing districts] "tend to deter the operatives from taking measures to prevent their numbers exceeding the demand of their labour, which, however, though it may be difficult for the exception, are actually adopted in some trades at present; for instance, in this town, Pershore, county of Worcester, the woolcombers never suffer a man under the rules of their combination to bring up more than two of his children to the same trade, simply under an apprehension that by increasing their numbers their wages would fall; but the weavers, not having shown the same sagacity, have overstocked the trade, and now depend upon their parishes for keeping them in the same employment."

Now the Anti-Corn Law League party had for some time been showing all their sagacity in destroying the landed interest in order to get what they called free-trade in corn, or, in other words, compel the agricultural labourer when the agricultural districts are overstocked to seek refuge—that was the phrase used by the Anti-Corn Law League party—in the manufacturing districts. What had been the result of this seeking refuge in the manufacturing districts? All the sagacity that could be exerted could not prevent wages sinking to the starvation point when thousands of labourers from an agricultural district were poured into one manufacturing town to vie with the operatives already established there. This question had been discussed in the manufacturing districts by the Anti-Corn-Law League party till they only dared to hold their meetings with barred doors, and under the protection of the police. They had now taken refuge in Covent Garden Theatre, where they were in the habit of collecting all the ragged political dissenters of the metropolis; but, was that a fit audience for them, when they were appealing to the working classes, and discussing, as they said, their interests? Why not call upon the working classes to come and take part in those discussions when their interests were the subject of inquiry? The fact was, as he had before stated, that, go where you would—to Manchester or any other manufacturing town—and you found that the working classes were everywhere diametrically opposed to free-trade, and were for asking protection for corn as for every other manufacture that needed it. He had addressed the House, not for the purpose of defending the agricultural interest; he left to the agricultural Members that task, not forgetting that when they got protection for themselves they forgot to protect the working classes. He considered it to be as sure as that the present Poor Law could not stand with the present Corn Law—to adopt an expression of the hon. Member for Wolverhampton — that, if the Government and Legislature of this country persisted much longer in treating the manufacturing classes as at present, if the people were to be trampled in the dust in the manufacturing districts, it would be found that all law and order would be trodden under foot; it would be found that men would be ready to take extreme courses who had always hitherto been anxious to live peaceably, and who had covered the Table of the House, year after year, with petitions praying the House to listen to their appeals; who had been, year after year, imploring the Government to condescend to read their petitions, in which they asserted that machinery was the cause, and the sole reason, of their distress, and asked that, instead of giving extension to that machinery by depressing the landed interest, the House should once more give the working classes the power to earn their bread by the sweat of their brow. The hon. Member concluded by moving the following Amendment:—

"To leave out from the words 'provided with the' to the end of the question, in order to add the words, 'means of purchasing the first necessaries of life:

"That, although a Corn Law is in force, which protects the supply of food produced by British capital and native industry, and thereby increases its abundance, whilst it lessens competition in the market of labour, nevertheless machinery has for many years lessened amongst the working classes the means of purchasing the same:

"That such Corn Law having for its object the protection of British capital, and the encouragement of native labour employed in the growth of an article upon which depends the

subsistence of the community, is just in principle, beneficial in operation, and ought not to be abolished·

"That it is therefore expedient that every encouragement and protection shall be given to native industry, which is the groundwork of our national greatness, and the source of our national wealth,'"—instead thereof.

On the question being put,

Captain *Berkeley* said, it has been a very generally received opinion, constantly broached in this House, and still more frequently repeated on the hustings, that the agricultural and manufacturing interests are identical—that the depression of one is injurious to the other. It is undoubtedly a wise policy to impress the fact upon the whole community, to induce them to bear and forbear, and to assist each other in bearing the necessary burthens of the State. The obstinate and mistaken policy of Gentlemen opposite has destroyed the illusion. It has been left for them to set the agricultural and manufacturing classes in direct opposition, and even in open hostile array. By their policy associations have sprung up on either side—the one to counteract the measures of the other; and the most bitter and violent language (for many reasons to be deeply regretted) has been used to set class against class, and to foment the worst passions of the labouring community, whether agricultural or manufacturing. On the one hand the landed aristocracy of the kingdom are represented as selfish, sordid, griping, and careless of the wants of the poor, even to the cruelty of depriving them of cheap bread. Thus are the landed aristocracy represented as drones in the hive, fattening on the labou and industry of others—themselves useless. Nothing can be more unfounded or so manifestly devoid of truth as these mischievous assertions; for I will take on myself to assert, that whether it be in munificence and hospitality, or whether it be in benevolence or charity, none stand more prominently forward than the landed aristocracy of England. Drones in the hive, indeed! From the moment the great captain of the age, the illustrious Wellington, landed on the Peninsula, who were the most eager to rush into the battle field? The landed aristocracy of England. Who composed the *elite* of that great commander's personal staff? The landed aristocracy of England. Have I not heard those most distinguished corps, the British Guards, described, and even sneered at in this House, as the aristocratic Guards? Whose services are more brilliant, who so frequently called for, when hard service and hard fighting are the order of the day? Who is it that have carried their standards in the hottest of the fight, and waved them in the hour of victory? Why, scions of the landed aristocracy of England. Call men such as these drones! Heaven forbid, that the British hive should ever be without such drones as these? Well, Sir, to counteract the Anti-Corn Law Association, sat up by the great manufacturing interests—which has been denounced by the agriculturists as unconstitutional, as a self-elected, domineering party, usurping the functions of Parliament, they have formed themselves into a counter-association. I am not aware that they go by any specific name, but I should recommend that they call themselves the Anti-Tamworth or Anti-Peel Association. For it is very evident that they are frightened at the idol of their own creation; and that the association has been formed to overawe and coerce the measures of the right hon. Baronet. Then, Sir, this Anti-Tamworth Association take the worst leaf from a bad book, and in their turn denounce the great manufacturers, and the active partisans of the Anti-Corn Law League, as scheming, deceitful politicians, who are solely intent on putting money in their own pockets by the cry of cheap bread, when in reality their real object is to be enabled to lower wages, and to deprive the working class of their present scanty earnings. Is this a state of things that can last? Is it probable that the great majority, that is, the poorer and middling classes, will consent to be governed by the minority, when that minority, which ever section of it you take, is constantly impressing on the minds of that majority that they are governed by selfish sordid purposes, and not for the general good? No, Sir, such is not human nature. The majority only succumb to the minority when it is for the general good, and when they feel that they are governed by honest, upright, and just principles. We must all know, even Gentlemen on the opposite side must begin to acknowledge, that the existence of the present Corn Laws is an affair of time only—they are doomed; and although their existence may be prolonged by the inconsistency and dictatorial policy pur-

sued by the body calling itself the Anti-Corn Law League—the time is fast coming when they will be swept from the Statute Book. The meddling interference of that body with constituencies with whom they have no common interests, of whose general political opinions they are ignorant, or careless, has done much to retard the progress of this question. But be that as it may, I shall not be driven from my consistency. I have always repudiated the sliding-scale. When the scabbard was thrown aside, when I had to choose between that scale and total repeal, I then voted with the hon. Member for Wolverhampton, and on this occasion I shall give him my most cordial support.

Mr. *Gladstone* was anxious to take an early opportunity of addressing the House, because the House would be of opinion that they ought to have a declaration at the first practicable moment, from the Government, of what course they were about to take on a question of so much importance. In enunciating that course, he trusted he should give a clear and explicit statement. It would be his duty on the part of Her Majesty's Government, to endeavour to prevail on the House to give a most direct negative to the Motion; and, to that end, he must refer for a moment to the Amendment which had been proposed by the hon. Member for Knaresborough. As he understood the question as put from the Chair, the question now before the House was, that the words proposed by the hon. Member for Knaresborough do stand part of the question; and if the House affirmed that, then they arrive immediately at the Motion of the hon. Member for Wolverhampton, and the House would come to a vote "Ay" or "No," on that question. Now, he thought that the House, and the hon. Member for Knaresborough, would feel that it would be infinitely better to meet a question of this nature fairly, and not by means of any indirect proposition; and he thought, that the hon. Member for Knaresborough had mixed up with his Amendment many important propositions, especially with respect to machinery, to which he, for one could not give his assent, because he conscientiously believed the direct opposite of the hon. Member's proposition; for he thought that, though some evils, and serious evils, had accompanied the progress of machinery, yet he found when he asked what was the condition of the labouring classes as a whole, since the great increase which had of late been made in machinery, that the means of subsistence and employment they received from that extension of machinery, had been augmented in a hundred cases for one in which they had been curtailed. He thought it clear, at any rate, that if the question was to be raised on a matter so complex as the operation of machinery on manufactures, that was a subject so important as to demand a separate discussion, and he hoped, therefore, that the hon. Member for Knaresborough would allow them to set aside his Amendment, and come at once to the Motion of the hon. Member for Wolverhampton. The hon. Member for Wolverhampton had stated that he was convinced no man would be found in this debate to say that the Corn Law was to be continued for the benefit of the farmer or labourer. Now, he apprehended that the hon. Member underrated the courage of the generality of hon. Members, who, he would venture to say, would be found addressing the House on that (the Ministerial) side of the House in the course of this debate, as respected even the case of the labourer. He was not prepared to throw over the landlords altogether; they, like every other body in the community, had a fair right to consideration at the hands of the House; but he repudiated the statement that the landlords' interest was the exclusive or even the especial object of those who framed the Corn Law, and he did not scruple to say, that whatever might be the embarrassments and difficulties which a repeal of the Corn Law would throw upon landlords and occupiers, and, last and most important of all, the agricultural labourers, he believed the landlords of those three classes would be that which would most easily contend with and most readily overcome those embarrassments and those difficulties. The hon. Member for Wolverhampton told the House that all the farmers were of his opinion—that all the independent farmers to a man thought as he did — and that the whole matter with which the House had to deal in reference to the Corn Laws was solely an affair between the landlords and the country at large. So far the hon. Member might be said to argue in a circle, for wherever he found any man or any class of men favourable to a repeal of the Corn Laws he

forthwith dubbed them spirited and independent. On the other hand, wherever and whenever he found any man or class of men unfavourable to that project which was the especial object of his advocacy, he immediately described them as the reverse of spirited and independent. Now, so far as he had any opportunity of making himself acquainted with the sentiments of the farmers, he should say, that they did much more to stimulate the landlords to resist a repeal of the Corn Laws than the landlords did to excite them to that resistance. As a question of fact and feeling he should say, the sentiment in favour of the existing laws operated more strongly on the mind of the farmer than it did on any other class. He was not sure that it was equally so with the agricultural labourer; but he believed it to be very nearly so. Hon. Gentlemen opposite might consider that those people deceived themselves; but they were quite as ready to suppose that the hon. Gentlemen fell into the error of self-delusion. The hon. Member for Wolverhampton addressed the House at some length upon the motives and causes of the incendiary proceedings which now, unhappily, prevailed in some parts of the country. In those particular counties in which this feeling manifests itself, the hon. Gentleman told the House that nothing could be more wretched than the condition of the agricultural labourers; but when the House looked at the statement which the hon. Gentleman made on the subject, they must at once see that he took the most unfavourable specimens, and offered them as presenting a fair average picture of the whole country. He was sure the House would, upon reflection, see that the account which the hon. Member gave of the state of the agricultural labourer presented a very exaggerated view of his real condition. Though the condition of the agricultural labourer was not satisfactory as regarded remuneration, yet, at all events, he was free from those extreme reverses to which the inhabitants of Paisley, Stockport and other manufacturing towns were frequently subjected. No man, who knew the relative situations of both classes, could for a moment doubt that the manufacturers had often far more sufferings to endure occasionally than ever fell to the lot of the agricultural labourer. But the argument founded on this statement, was a matter of less importance than the bold proposition which the hon. Member enunciated discussing the causes of incendiarism, when he told the House, that there was invariably discontent amongst the peasantry when the prices of bread were high, and there was a general feeling of content amongst them when the prices of bread were low and the hon. Member used a word which he seemed to be very proud of, and asked who dared deny this proposition. In replying to this part of the hon. Member's speech, he (Mr. Gladstone) would be sorry to be understood as regarding a high price of bread at any time as otherwise than a public mifortune. But the hon. Member dared any one to deny what he had asserted, that discontent or content prevailed according as the price of bread might be high or low. Now, in 1839, 1840, and 1841, they had heard of no incendiary fires, and were not these years in which there was a high price of bread, whilst in 1843 and 1844, whilst there was a steady and low price of bread, these incendiary fires occurred. Now, the hon. Member who challenged them to produce an instance where discontent prevailed concurrently with a low price for bread, must not travel farther back than the year that had just elapsed, which he was sorry to say, furnished him with the instance which he sought for. There was one point which the hon. Member had mooted; he had mooted the question of what was the cause of those incendiary fires. He supposed that it was very probable that they were caused by the less amount of employment. He was not asking the hon. Member whether he was conscious of ever having encouraged the commission of those crimes. It would be an insult to the hon. Member to put such a question to him; but he would ask him whether the persevering and sedulous course of agitation which the hon. Member pursued, and which undoubtedly, he perhaps thought would produce great public advantage, he would put it to the hon. Member whether that agitation which he said, had suggested to the landlords to destroy their hares and rabbits, and to grant leases to their tenants—whether that agitation might not have produced the more pernicious effect in discouraging the farmer and the landlord from extending the application of capital in the cultivation of the soil; and whether that withholding of capital, and the diminution of employment, may not have been occasioned by

the shock to the confidence of the farmer and the landlord, which was the consequence of that agitation. He would put it to the hon. Member to consider whether the withholding of capital occasioned by this agitation might not have been the cause of that want of employment which was so much to be lamented, and which the hon. Member said, had led to those incendiary fires—if that was so, there was wisdom, so long as Parliament determined to maintain the Corn Laws, in discouraging the agitation to which he alluded, by them in that House setting their face firmly against any Motion such as that now before them. The hon. Member, in the course of his speech, referred to arguments, which he (Mr. Gladstone) had used in former discussions on the subject, and the hon. Member had in particular referred to one which was of primary importance. The hon. Member said, that one of his objections to the repeal of the Corn Laws was the displacement of rural labour that would be consequent upon that repeal; and the hon. Member met the argument, that the consequence of repeal would be, that land would be thrown out of cultivation, by saying, that so long as land was capable of producing rent, it would not be thrown out of cultivation. But the hon. Member mistook his argument. Supposing that he granted that there would be an increase of trade, and an increased demand for our manufactures, consequent on the increased demand for foreign corn, still it did not follow that the greatest injury to the condition of the agricultural labourer might not be the consequence. There might be a great displacement of rural labour, without any diminution of rent. He did not know whether the hon. Member meant to include land converted from arable cultivation into pasture, as land thrown out of cultivation. His argument was, not that a large quantity of land was absolutely to be thrown out of cultivation, but his argument was, that the landlord might obtain a high rental and large profits from turning his land into pasture, and producing butcher's meat, butter, cheese, and milk, and at the same time, though that might be highly profitable to the landlord, the result might be to make such a diminution in rural labour as would be felt to be most injurious by the labouring classes. To that argument he had heard no reply; and it was this consideration—a consideration for the interests of the agricultural labourer, as well as for the farmer and to the landlord, that made him feel it to be his duty to meet the present Motion with a decided negative. The hon. Member for Wolverhampton told them, that because they feared a displacement of agricultural labour, the supporters of the present law must be adverse to agricultural improvement, for such improvement must lessen the number of agricultural labourers employed. This he maintained was a very unfair representation of the argument; for, though the effect of agricultural improvement must be a diminution of the number of labourers employed, yet it would produce the effect gradually, and not in the sudden manner that changes would ensue from the projected plan of the hon. Member for Wolverhampton. Though there might in some places be a diminution of the demand for labour, yet, in many others there must be a corresponding increase arising from agricultural improvement; for example, by the cultivation of waste land by the practice of draining, and by other causes of a similar description, and eventually that species of labour must stimulate the means of increased employment, and tend to raise wages more than any thing else. In one sense it might be said, that agricultural improvement must have the effect of diminishing the demand for labour; that was to say, there would be less labour for a given quantity of produce; yet from this cause the demand for rural labour might actually increase. When the hon. Member for Wolverhampton stated that the original object of the Corn Law had been to promote scarcity, and that those who supported it did not repudiate the charge, he could hardly have read the debates that had taken place on the subject. He would also take the liberty of reminding hon. Members, that the expectations of Parliament in 1815, was not a capital consideration in determining the judgment of the House in 1844. They might have been erroneous, and the hon. Gentleman might be justified in applauding the sagacity of Lord Grenville, but the hon. Member for Wolverhampton only did justice to the supporters of the present Corn Laws, when he admitted that the argument of his noble Friend, Lord Ripon, was, that Parliament ought to give encouragement to our domestic agriculture, and assist in securing

a more abundant supply of corn than the coun ry had previously possessed, or than could be obtained by any other means. He did not expect that hon. Members on the other side, would concur in the views of this subject, taken by his noble Friend; but they would do well to answer those arguments before they told the House, that the Corn Laws tended to limit food, and to produce scarcity, disease and ruin. Into such propositions he should not detain the House by entering, but he would ask the hon. Member what would be the effect of repealing those laws, on the condition of those classes whose labour was connected with maintaining them. It might or might not be true that protective taxes on the importation of commodities must limit the general enjoyment of these commodities. But that was not the question which they had to consider. The hon. Gentleman had made a speech which was opposed to the whole of the protective system; but he could not expect that they were to go into a discussion of the original grounds upon which the protective system was based. The hon. Gentleman said "What encouragement have I to attempt to conciliate the House by proposing a moderate fixed duty instead of the total repeal of the Corn Laws?" But the hon. Gentleman must have seen that there were other reasons against his proposal more conclusive than that which he adverted to—namely, that the whole of his speech was directed as much against any fixed duty, however moderate, as against the maintenance of the Corn Law at all. The hon. Gentleman took no cognisance of any argument against the Corn Law, on the ground that it gave too much of a peculiar form of protection to one interest than was given to another, and he had a right to argue, from the principle of protection, against the hon. Gentleman, and to say that it lay with him to make out a case against the particular law which only exemplified that principle—a case, however, which the hon. Gentleman had not made out. He was not an upholder of extreme doctrines on the subject of protection; but at the same time he did feel most strongly that confidence in the stability of a law was an essential element in national prosperity. [Lord *Howick*: "Hear"] The noble Lord opposite cheered him; the noble Lord was an advocate for a low fixed duty, and he would ask the noble Lord what he thought of the prospect at present, and whether, if confidence in the law should be undermined by the agitation which had been going on, he could have any hope of resting on the stability of any measure which should establish a low fixed duty? It was perfectly clear that the noble Lord would in such a case find himself in the position of those who now defended the Corn Laws. Every argument which had been used by the hon. Member for Wolverhampton against the Government would in that case be used against the noble Lord and his fixed duty; but the Government had an advantage in one respect which the noble Lord might not have. The sense of Parliament was clearly in their favour, and they were able to take their stand upon the law as it is, and to say that it was their intention to give stability to the measure by exhibiting their determination to give a fair and full trial to the law. They had not as yet had a complete or comprehensive experience of the law; but he would venture to say that it had realised the most sanguine expectations of those who supported it. Both parties were for stability and confidence. The hon. Gentleman sought to obtain that confidence and that stability by depriving the landlord, the tenant, and the labourer of that protection which the law had afforded them for centuries, and referred a support of his Motion to something which he had said on a former occasion, to the effect that when a change in the commercial law was resolved on, the more rapidly the change was made the better. But in applying that doctrine to the Corn Law the hon. Gentleman had begged the whole question, for it so happened that they did not intend to make any change in that law. If they were like the hon. Gentleman, advocates for a repeal of the Corn Law, then they might be disposed to repeal the law at once, rather than consent to a fixed duty, as proposed by the noble Lord opposite, and which might be abrogated in the next year. In such a case the doctrine might be applicable. But the ground on which they stood was this—in former years, especially in 1842, Parliament did bestow a considerable portion of its time in discussing the question of the Corn Law. They had passed eighteen nights, in the Session of 1842, in fair discussion and debate on this law, and they could not renew that course every year. Having settled the question so recently it was absurd to

expect that Parliament should renew the discussion every year; and if Parliament did consent to keep a question of that magnitude in perpetual agitation, it would be taking a course which would be fatal not only to those who are protected by the Bill, but fatal also to its own credit and character. He claimed something like stability for the decisions of Parliament [*Laughter*]. The noble Lord and hon. Gentlemen opposite laughed at what he had said. Possible it was that they might perceive a meaning in his words of which he himself was totally unconscious [*renewed Laughter*]; but still he would say, let there be something like stability for their decisions. Were they willing to accede to that? If so, he wished they would join with him in voting against the present Motion. He would beg the House to observe that the hon. Member for Wolverhampton had not established nor even made any charge against the present Corn Law. The hon. Gentleman stated distinctly and broadly that he was opposed to every protecting law. But this very year they had passed protective laws through Parliament. The hon. Gentleman said, that they had abolished the duty on wool, that they had taken off the duty of 1*d.* a pound on wool —a duty which protected nobody; and because they had done so the hon. Gentleman said that they ought to abolish the duty on corn—a duty which protected a large portion of the people. The duty on wool protected no one, and he did not believe that there was ever submitted to Parliament a wiser measure than that which abolished such a duty. But it could not be considered as a protective duty. On the contrary, it operated in the manner of a tax on British produce; it went to limit the quantity and to depress the price of British wool by discouraging the consumption of the article. But this very year they had passed laws awarding protection to the growers of sugar and cotton. He did not mean to defend or impugn these measures on the present occasion, but he called on the House to observe that protection had been the rule of this country, and that the speech of the hon. Member for Wolverhampton went, not to prove any particular defect in any particular law, but was directed against the whole protective policy of the country. The hon. Member pointed to nothing less than the total and immediate extirpation—if he might so call it—of every vestige of that policy, and the hon. Gentleman was bound to make out a strong case before calling on the House to accede to his Motion. He hoped the House would mark the contrast between the speech which the hon. Gentleman had made to-night and his speeches on former occasions on the subject of the Corn Laws. On former occasions the hon. Gentleman always had a variety of arguments to show the inconvenience arising from the operation of the law. With respect to the present law, although it had been tried for only a short time, yet the operation of it had not been altogether free from difficulty. In the year in which it was passed, a short time before the harvest, a most remarkable change occurred with regard to the crops. In 1842, from a dark and gloomy prospect in the first part of the year, a change of weather, almost miraculous, took place in the latter part, and the fears of a bad harvest were changed into the certainty of a most abundant one. In 1843 a contrary state of things occurred. The first five months gave promise of a productive crop, but an unfavourable change took place, and the harvest fell very far short of the expectations entertained in the earlier part of that year. The experience, therefore, which they had had of this law comprized in these two years had not been altogether of that tranquil and even tenor which existed when no great and sudden expectations affected the minds of men. On the contrary, the two years to which he referred were years of considerable excitement. And yet what had been the operation of the law during these years? Was there any man who had supported the law in the year 1842 who could honestly say that he had been disappointed in its working? Could any one point out a promise or a prediction hazarded in the course of the protracted debates upon the measure, which promise or prediction had been subsequently falsified? The law had been framed with a view to meet the colorable, and, in many cases, the substantial objections which had been made to the measure which it superseded; and would any one say that those objections could be revived against the present law? The opponents of the former measure were accustomed to complain of the great fluctuations in prices to which it gave rise. But they had passed through two critical years; and yet, could any one say that

those years had been, upon the whole, years of unsteadiness of prices? There had been considerable variations in the corn trade during those years; but there had been throughout the whole period considerable steadiness of prices. And, during the present year, when there could have been no change in the harvest, they had the averages moving in scarcely a perceptible degree from month to month. His right hon. Friend (Sir R. Peel) had been accused of having promised the agriculturists a particular price for their corn; he had done no such thing; but he had referred to certain limits within which, on the whole, he thought it desirable, if practicable, that the price of corn should range, and the limits he named were from 54*s.* to 58*s.* per quarter. The law came into operation on the 29th of April, 1842, and from April to December, 1842, the average price of wheat was 55*s.* 10*d.*—that was within the limits. In 1843 the average price of wheat was not 55*s.* 10*d.* but 50*s.* 1*d.*—that was certainly below the limit; but that was a year of abundance. The farmer did not greatly complain, and he hoped hon. Gentlemen opposite would not complain that the price which his right hon. Friend had indicated was desirable. From the commencement of the present year to the 15th of June the average price was 54*s.* 6*d.*, so that it singularly happened that two out of those three averages under the operation of this law had been within those very limits alluded to by his right hon. Friend, saying it was too much to hope that any legislative act could fix the price of corn within those limits; but looking to the interests of particular classes, those were the limits within which it was desirable the price of corn should range. During the present year, for the last few months, and especially the last few weeks, when the corn-market generally became uneasy, the steadiness of the market had been remarkable in a most peculiar degree. There was another objection which it was customary to make against the operation of the recent law, and that was its unfavourable effect on the currency. It was said that the effect was to induce parties to hold back their corn to create an artificial scarcity for the sake of driving up the price, and then suddenly to introduce a large quantity of grain, which could only be paid for in bullion, to the derangement of the whole commercial operations of the country. That was the capital charge against the whole Bill—the head and front of its offending; had that charge been repeated against the present law? No, it had not, and yet they had introduced large quantities of corn under the present Bill. In 1842 there had been introduced and released for consumption a greater number of quarters of wheat and wheat flour than in any year had ever been introduced into this country; and yet it was introduced without producing in the smallest degree any derangement of the currency. That charge, then, against the old law had now entirely fallen to the ground. He might refer to the hon. Member for Wolverhampton himself on this subject. The hon. Gentleman had said that we had at the present moment a trade with the Continent in corn, which was carried on regularly and paid for in manufactured goods instead of bullion. ["No, no."] He did not mean to misrepresent the hon. Gentleman—he did not mean to say that the trade was as extensive or as steady as the hon. Gentleman could wish; but we had a trade in corn with the Continent. The fact stood on higher authority than that of the hon. Gentleman, and it was so far a regular trade that it was not carried on by those sudden fits and starts that required gold to be sent out of this country in order to bring in corn. It was quite clear the hon. Gentleman himself considered it a steady trade, for he had referred to the increase of exports to prove that the corn we got from the continent was paid in goods. During the present year 160,000 quarters of wheat had been introduced for consumption; he did not mean to say that was a very large quantity, but it was considerable when they looked at the price at which it was brought in. Was the hon. Gentleman so unreasonable as to expect to have the same amount of corn imported every year irrespective of the price? Under a free trade in corn of course much less would be introduced in years of abundance than in years of scarcity. The average price during the present year was 56*s.*, and yet with that price they had introduced during five months 160,000 quarters for consumption. He remembered a great point had been made by the right hon. Member for Portsmouth (Mr. F. Baring), that whereas the old law had operated as a prohibition up to 70*s.*, the present law would operate as a prohibition up to 60*s.*, and the answer then made to that argument was, there would not be

large quantities of corn introduced to depress the market under 60*s.*, but a trade would be carried on in corn even when the price was below that limit; and what was the fact? That in the five months of the present year, although the price had never come within several shillings of that limit, there had already been introduced 160,000 quarters of wheat. He would not go into all the details of the objections which had been urged against the old law, because those charges had now disappeared, and he challenged hon. Gentlemen opposite to repeat them as regarded unsteadiness of price, the enhancement of price, the effect on the currency, and the effect on the revenue, against the present law. What had been the operation of the present law with respect to the revenue? In 1842, they derived a very large revenue from the import of a very large quantity of corn—about 1,300,000*l.* In 1843 about 800,000 quarters of corn and flour were entered at 14*s.* per quarter, and in 1844, 160,000 quarters had been entered at an average duty of 17*s.* per quarter. Perhaps it would be said that was a very high tax to lay on the importation of a necessary of life; but then that was absolutely contradictory of one of the leading arguments raised against the old law. Then it was part of the grievance that foreign corn was not introduced into this country till the price rose, and the duty paid was not higher on an average than 5*s.* But now they had got 17*s.* per quarter raised during the present year; while the price at which that duty was leviable was 60*s.* The charges made against the old law had not been renewed against the new; but the hon. Member for Wolverhampton attacked the present law on the principle of hostility to all protective duties. He did not dispute the fairness of that position, but those who adopted it were bound to do two things; they were bound to prove both that the present law was a bad one, and that all protection was necessarily mischievous. But they had proved neither. Nothing that had been said at all tended to convince his mind that very great mischief would not result from the adoption of the Motion of the hon. Gentleman. It had not even been attempted to be shown that great mischief would not result from it to the condition of those connected with the soil. The hon. Gentleman estimated that class at only one-seventh of the population. He did not know by what mode of calculation the hon. Gentleman had contrived to reduce their numbers so low; he apprehended the hon. Gentleman entirely omitted the case of Ireland. But even with regard to England his calculation was not at all an accurate one. Those employed in agriculture, when joined with those immediately dependent on them, namely, the tradesmen, the inhabitants of rural towns and villages, immediately and entirely dependent on agricultural customers for their business, would be found to constitute a considerable majority of the working population of this country. But whether they did so or not, although the hon. Member had made an argument of great ingenuity against the whole protective system; he had made none against the operation of the present Corn Law, nor attempted to deny the fact that the anticipations of a favourable kind with which it was announced had up to the present moment been even more than fulfilled. He had assumed that the condition of the agricultural labourers was bad, and that because bad it could be no worse, but he had given no proof of that allegation, and calling, as he did, on the House of Commons to reverse, upon ground so insufficient, a decision so solemnly arrived at, founded on such protracted discussion, and in which, perhaps, more than one-half of the industrious population of the country conceived their interests to be bound up, he, for one, could not doubt as to the course which the Government ought to take—he could not doubt as to the course Parliament ought to take and would take; he was sure, at all events, they would not be parties to encourage an agitation which he thought the hon. Gentleman himself must allow, while it continued, produced the most mischievous effects—an agitation which he thought not only mischievous whenever it tended to shake the confidence of the people in the stability of the law, but likewise most unjust to those who regarded this Corn Law as a fair adjustment between conflicting interests and a settlement of a great question, to which, until it could be proved that it had failed to attain its purpose, it was the bounden duty of the Legislature to adhere.

Lord *John Russell*: I find myself upon this question in a position somewhat similar to that in which the right hon. Gentleman stated the Government to be placed

the other evening—a position by no means enviable. For I find that my hon. Friend, the Member for Wolverhampton, has proposed a Motion, not asking the House to go into Committee on the Corn Laws, but asking the House to go into a Committee for the purpose of voting a Resolution which would at once destroy any Corn Law; which would ask the House to pledge itself to abolish all duty with respect to corn, and which the right hon. Gentleman says is directed against the protective system altogether. I find, on the other hand, the right hon. Gentleman opposite ask the House to vote against the motion of my hon. Friend, on the ground that they ought to stand by and maintain the present law. Now, I am not prepared, with my hon. Friend, after all the attention and re-consideration that I have given to this subject, to say that the Corn Laws ought to be forthwith repealed; neither am I prepared, with the right hon. Gentleman, to vote in a manner which he would understand as a vote for the maintenance of the present law. I will first notice the arguments of the right hon. Gentleman. He began his speech with throwing some kind of doubt upon that part of the speech of my hon. Friend—of which I thought the only fault was, that he was endeavouring to prove what was abundantly clear to every sensible mind—namely, that cheapness and plenty were great blessings, and that dearness and scarcity of food were great evils. My hon. Friend pointed out that these evils were the cause of the increase of crime, disease, and death; and that fever and famine were the consequences of the high price of food. I should not have thought that any person would doubt that these results would follow from such causes. It really was saying no more than what common sense inspired, and what was daily read in our prayer-book, that cheapness and plenty were blessings for which we ought to be thankful. Yet the right hon. Gentleman thought it necessary upon that point to say that while there were no incendiary fires in 1839, 1840, and 1841, when prices were high, yet in subsequent years there have been incendiary fires, when prices were moderate. If he did not mean this, I know not why he introduced it. The hon. Gentleman said that we should maintain the law on the ground of stability. I do not think it has any claim to our support on that ground. It appears to me that there is something inherently vicious in the system of protection which requires the interference of the Legislature from time to time. The right hon. Baronet (Sir Robert Peel) must be aware that the present law is at vari ance with all those principles which he has so frequently stated ought to regulate the commercial affairs of this country. The right hon. Gentleman cannot be ignorant of the defects of this law. The principle he stated in 1842 would be fatal to the present law. The right hon. Gentleman has, with great confidence, placed this law on the experience of the last two years. I must say, that whatever superiority of wisdom Her Majesty's Government may have over their predecessors, there is one advantage they certainly have enjoyed—they have had much better weather. I know not whether the right hon. Gentleman is prepared to stand the test of three bad harvests, or of two, or even of one. The right hon. Gentleman entirely founded his defence of the present law upon a favourable harvest. He finds a moderate price of wheat during a time when there would have been a moderate price of wheat under the old law, and he appeals to that short experience of two years as a proof of the excellence of this law. It has been said that nothing has been done in the present year to break down the protective system, and the right hon. Gentleman referred to the laws relating to wool. I entirely agree in his statement, for I think that the duty on wool was injurious to the grower in this country. My opinion is the same of the Corn Laws, and that a greater consumption of wheat would follow the improvement of that law: there is no interest to which the present Corn Law is more detrimental than to the agricultural. The right hon. Gentleman has told the House that, upon the short experience we have had of the law, he is determined to maintain it; but I think it liable to the very objections from which he contends it is exempt. If you have a tolerably good harvest, no peculiar evils may result from it; if you have a prospect of a bad harvest, and yet it turns out an abundant one, you would have a considerable importation by which the importers would be ruined; if you have a bad harvest occasioned by sudden causes, you have a sudden and an immense importation, at a high price and a low duty. I hear the right hon. Member say that the

same difficulties would have to be encountered under a fixed duty; but it seems to me that, under a fixed duty, you have one certainty at least to depend upon. Now, you have two uncertainties—the uncertainty of the harvest, which may be either bad or good, and the uncertainty of a duty varying from 1*s.* to 20*s.* With a fixed duty there would be a fixed element, upon which the farmer might calculate; and there would be a regular trade, as in other commodities. My hon. Friend the Member for Wolverhampton asks me to go into a Committee for the purpose of voting his resolutions; and in the latter part of his speech he endeavoured to show that he was acting only in conformity with precedents in proposing a sudden and total abolition of the duty on Corn. I do not think that the precedents upon which he relied bear him out. They were, the abolition of the Beer Tax and the Slave Trade. But what I wish to look at is this:—What could you reasonably expect from a sudden revolution—from a state of considerable protection—to one of entirely free-trade? The first consequence I apprehend, would be a great change among all concerned in agriculture; the landlord and the farmer would be doubtful how far their capital could be employed to profit. The effect would be a diminution in the employment of labour, and as long as that lasted there would be severe suffering. There would accompany it, I should think, a much greater importation than would be consistent with the advantage of the merchant. So important a change would give rise to extraordinary expectations, and the result would be, not a state of cheapness and plenty, but a sudden glut, occasioning much distress. Let us look, however, at the opinions of those who may be deemed authorities upon this subject; because, while my hon. Friend and those who act with him, members of the Anti Corn Law League, have put forward the principles of free-trade in grain, the only part that is original in their proposition is that which relates to a total and immediate change of system. Adam Smith and Ricardo, among writers, and Lord Grenville and Mr. Huskisson among statesmen, have held the same doctrine; but there is this difference between them and the Anti Corn Law League, that the former are for a gradual, and the latter for an instantaneous alteration of the protective system. I will not quote Adam Smith, because it is well known that his opinion was, that a change from prohibition and restriction to freedom, in order to be safe must be gradual. Mr. Ricardo was so far from proposing a sudden change that his proposition as regards corn was first a fixed duty of 20*s.*, which was progressively to be reduced to 10*s.* He very likely thought that a duty even of 10*s.* would be more than was reasonable, but he considered that it would be an evil to make a sudden change, and that practical wisdom dictated a gradual alteration. Then as to Lord Grenville, upon whose words and authority my hon. Friend has relied, what were the expressions he used in 1815? He said,

> "If the measures which had formerly been adopted for the protection of trade and manufactures were right, let them be continued; if they were wrong, let them be abrogated, not suddenly, but with that caution which was necessary in dealing with a system which had been engrafted into usage, but which in due time ought to be changed."

Lord Grenville had laid down this principle in his protest, and it was to be recollected that the present Corn Law was a system of 1815, and that it had already endured a generation. Mr. Huskisson is a great practical authority, and to him my hon. Friend has likewise referred; but what was the cautious proceeding of that statesman? As to cotton and wool he contended that there could be no great danger, because our manufactures in cotton and wool were sent to third parties, and could bear competition with all the world. That was not like the case of corn, where competition might be effectual; but as to cotton, he reduced the duty from 60 to 10 per cent., and as to wool to 15 per cent. In another article, regarding which there was much more fear of competition—I mean silk—Mr. Huskisson allowed a duty amounting to 30 per cent., and in some cases to 40 per cent. Therefore, whether we look to the doctrines of Adam Smith and Ricardo, or at the practice of Lord Grenville and Mr. Huskisson, the change they advocated was not sudden but gradual. I do not now wish to argue the comparative merits of a fixed duty or a sliding-scale; but, as I have already said, I find myself unable to take a part in this vote. I heartily wish that there might be some compromise of the question, for I do not think the existing law suited to stormy times. I do not

expect that any vote of this House, however large may be the majority, will put an end to agitation upon this subject. I think the present system so unreasonable and so unwise, that it is impossible to expect that there should not be agitation against it. I do not believe that any settlement of the question will be come to, until those interested in land, the landowners especially, are disposed to consider this law as really unfavourable to the interests of the country, and therefore unfavourable to them as a class. It is not mere words to say that there can be no better measure of the prosperity of the landowners than the prosperity of the whole nation. If manufactures flourish, the landed interest need not fear that it will be long behind in the race of success. If commerce and manufactures are prosperous, the landed interest is sure to flourish also. Before I sit down, I must say that I regret that the whole case of the protective system has not been stated. I would take into view, the protection, not merely to agriculture, but to the manufacturing and commercial interests; and if the whole be unsound, let the system be abrogated. This would be a fairer mode of proceeding, than making continual harangues on the subject of the Corn Laws, mixed. as they often are out of the House, with attacks upon landlords. I believe that the attacks upon landlords, and upon the agricultural interest generally, have done much to indispose landowners, and still more farmers, to the fair consideration of the question. I am disposed to think that the right hon. President of the Board of Trade has some foundation for his statement that the farmers are more opposed to an alteration of the law than the landowners. At the same time, I know that the landowners are very strongly opposed to an alteration of the law; but like manufacturers and merchants, farmers are persuaded that the protective system is advantageous to them. The farmers are the most determined opponents of a change, and the efforts recently made have induced them to look at the question rather with blind passion than with calm deliberation. I cannot, therefore, look for any fair settlement of the dispute, and I am sorry that agitation should thus be continued from year to year. There is no help for it, perhaps, if Government are determined to maintain the present law; but the time will come when the principles held sound, as applied to other interests, will be held sound as applied to the growers of Corn.

Mr. *W. Miles* commiserated the position of the noble Lord which obliged him to suggest a compromise; but he (Mr. Miles) called upon the Government and the whole agricultural interest in the country to submit to no compromise. He rejoiced at the speech of the right hon. Gentleman the President of the Board of Trade, for it was an honest and straightforward speech in defence of the protection given to agriculture by the Bill of 1842, and completely supported the determination expressed by the right hon. Baronet at the head of the Government to abide by that protection. [Mr. *Gibson*: This year.] He would not adopt the interpretation of the hon. Member for Manchester. He confidently relied upon the words that were spoken, and believed it to be the determination of the right hon. Baronet to give to the present law a full and fair trial—notwithstanding the attempt of the hon. Member to excite discord amongst the right hon. Baronet's supporters, by inducing them to believe to the contrary. It was said, that their powers were diminishing, while those of the Anti-Corn Law League were augmenting. But how was that proved? What did the League do? They interfered in elections, and what had that gained for them? They could certainly show for it the hon. Member for Kilmarnock, but considering who it was previously represented that borough, they could not boast of having gained much. Then, passing over Wiltshire, Salisbury, and other places that were won from them, see what had happened in Lancashire. The hon. Member recently elected for that county, in speaking on the Sugar Duties, said, that he was sent there to represent protection generally. It was, however, the habit of the League whenever they sustained a defeat to proclaim a moral victory. He owned their agitation had been incessant and their exertions great, but what had been the result of their labours? Why, to arouse the whole body of the farmers of England in their own defence. It was said, that they had been instigated to that defence by the landlords, but he asserted that the landlords had been the last to move in the matter. The tenants had come forward, strongly and boldly; the landlords felt the benefit of their conduct, and they were determined never again to be put down while the pernicious agitation of the

Anti-Corn Law League existed. If public opinion were against the Corn-Laws, how was it that the League never held their meetings openly in the manufacturing districts? Because they durst not attempt it. The operatives knew well that the League wished for cheap bread as the means of cheap wages. The cry of "large loaf" was, undoubtedly, seductive for the poor labourers, whose wages in some districts were certainly too low. But did the League tell them how their condition was to be benefited—how their labour and its remuneration could be increased? That was the point on which the argument of the League entirely failed. The assertion that a Corn-Law produced scarcity, had been utterly disproved. He spoke not, of course, of the old law, but of the new one; and he asked had there been any scarcity? It had been proved that the supply had been sufficient, and at the same time the operations of commerce had not been obstructed. It had been said, that the freight of foreign wheat was sufficient protection. Why, 600,000 quarters had been in a short period imported from Dantzic at a 15*s.* duty, with 10*s.* freight, (as had been alleged, on uncertain authority indeed), and the cost price altogether in our market had not much exceeded 30*s.* A factor in Dorsetshire had imported into Weymouth 800 quarters of Dantzic wheat at the small charge of only 3*s.* 9*d.* per quarter in foreign bottoms (as was usually the case), the cost price in our market being only 34*s.*, and he sold it at 58*s.*, while he could only get 48*s.* for wheat of his own growth. Ruin would stare all classes of the agriculturists in the face if the Corn-Laws were repealed as was desired. Now as to the calculations of Earl Ducie, so far as they respected the noble Lord's own accounts they were unintelligible—so far as they regarded "Cotswold" farms they were contradicted. The hon. Gentleman read a statement, subscribed by three farmers, cultivating a portion of the Cotswold Hills, in reply to a statement published by Lord Ducie, respecting the cost of production and the profits to the farmer. These practical men declared that when that noble Lord asserted the farmers would make 12 per cent, on their capital, he was in error; in excess by one-fourth or one-fifth; and that the cost of a bushel of wheat, on the poor land which they tilled, was much more than it could be bought for, in case there was a free trade in corn. He (Mr. Miles) would ask the House to look at the landlord's interest on a bushel of wheat. Those were facts well worthy of observation and attention; but the calculation was still further carried on in the paper to which he had alluded. He wished to be particularly accurate, and, therefore, would again refer to the statements contained in the return before mentioned. Relative to flour, it inquired what was the amount of money which eventually the landlord took? He (Mr. Miles) would not presume to answer the question himself, but after enumerating that a load of wheat would produce six and a half sacks of flour, and that 520 loads of wheat would be about the produce of an acre, the authority from which he quoted, left the profit to be received by the landlord about five farthings per load; about the one-seventh part of the four pound loaf would be found to be the remaining share of those who had a further interest in the question. That part of the question which had reference to the landlord, he wished particularly to bring before their attention, so that the House and the country might clearly understand what interest the landlords had in the maintenance of the Corn Laws. ["Hear, hear."] He understood the ironical cheers of the hon. Gentlemen opposite; but if in anything which he had stated, there was error, he should be happy to be set right. With respect to that question, he desired that if there were blame anywhere, it should be placed upon the right shoulders. His attention had of late been forcibly drawn to the relative prices of wheat and the four pound loaf, and from which he was induced to believe that the consumers in London paid one-fourth too much. In corroboration of that, he might fairly use a statement contained in the *Times* newspaper, which taking five months of last year, showed how much was relatively paid to the English and French miller, and to the English and French baker. The paper was well worthy the attention of the House; and he would assure them that it was the last paper with which he would trouble them. He found, without going wearisomely into details, that in those five months there had been the following relative difference between the profits of the English and French farmer, between the English and French miller, and between the English and French consumer. As regarded the British and French farmer, the difference was 18½ per cent; as regarded the British and French miller, the difference was 24¾ per cent.; and as regarded the Eng-

lish and French consumer, the British had to pay 43½ per cent. more than the French consumer. Let then those parties who were the real culprits bear the blame and odium of the high price of bread. He thanked the House for hearing him so patiently at that late hour of the night. He would only, in conclusion, ask them seriously to consider the position in which they stood. If ever there had been a time when hon. Members might covet the honour of representing the counties of England, that was the time. The farmers had nobly and manfully stood forward and done their duty. The word had gone forth that they had submitted to the lowest reduction of protection to which they possibly could, and it would be for them in that House to support the farmers in that noble resolution. After what the right hon. Baronet had said, there could be no doubt as to the protection which ought to be given to the British farmer. With agriculture the permanent and best interests of England were bound up, and it remained with the House to determine whether that protection should be permanently assured to them.

Viscount *Howick* spoke to the following effect:*—Sir,—I fear it is almost too late an hour for me to ask the House to listen to the observations I am anxious to make upon this subject, but still, as I believe we have all a strong wish that the debate should finish to-morrow night, and as I should be very unwilling to interfere with those Gentlemen who will then desire to address you, perhaps, late as it is, the House will extend to me its indulgence, if I now endeavour to state my opinion on the very important question which has been brought before us. I agree with my noble Friend the Member for London (Lord J. Russell), that the question has not been submitted to the House in a convenient shape; I think it would have been better and more consistent with regular parliamentary practice if my hon. Friend the Member for Wolverhampton had moved simply for a Committee of the whole House on the Corn Laws, at the same time giving notice of the resolutions which, if the House should agree to go into Committee, he would there propose, instead of embodying the resolutions which he wishes afterwards to have discussed in Committee, in the question to be put from the Chair. But though I should have preferred having the Motion submitted to us in a different shape, I have no hesitation in giving it my support; I shall do so chiefly because I think with the hon. Member who has just sat down (Mr. Miles), and with the President of the Board of Trade, that the question is now practically brought to this point, shall we maintain the existing Corn Law as it stands or shall we entirely repeal it? and I have never concealed my opinion that, whenever this should be the only alternative offered to me, I should have no doubt in giving my preference to the absolute repeal of the present law. I greatly doubt whether Her Majesty's Government have really served the Agricultural interest in bringing the question to this point, but since they have done so, and have altogether rejected any compromise, and I am thus driven to make my choice between two extreme propositions, that choice, as I have already said, will unhesitatingly be given in favour of the absolute repeal of the present Corn Law. Sir, often as the subject has been debated, it seems to me that it is brought before us to-night under circumstances which give to it somewhat of a novel aspect, and of additional importance. We have just heard from the hon. Member the representative of a great agricultural county (Mr. Miles), that the wages of agricultural labour are lamentably low, and a very short time has elapsed since we had from Her Majesty's Government a similar admission with regard to labour in manufactures. In the recent debates on the Factory Bill, we were told by the right hon. Gentlemen opposite, that the reduction in the working hours of certain classes of labourers proposed by my noble Friend the Member for Dorsetshire (Lord Ashley), would be attended by a diminution of productive power which the country is not in a condition to bear; the loss, it was said, must fall either upon wages or upon profits, and both were already so low that no further reduction could be hazarded even for such an object as that which my noble Friend had in view, and which both the right hon. Baronets (Sir J. Graham and Sir Robert Peel) admitted to be one, it would be most desirable, were it practicable, to accomplish. Thus, Sir, we have, on the highest and most undoubted authority, the admission of this fact, that in agriculture as well as in manufactures, both wages and profits are at this moment unfortunately low; that is to say, that

* From a corrected Report.

productive industry generally is in this country at this time inadequately rewarded. That this is a state of things deeply to be lamented, and imperatively demanding the consideration of the House; one of which we ought, if possible, to ascertain the cause, and to which it is most important to put an end, must, I think, be felt by all of us; to relieve productive industry ought to be our very first object. Now, Sir, I am prepared to rest my vote in favour of the Motion which has been submitted to us upon this single ground, that the inadequate reward of industry,—the low rate of wages and the low rate of profits, are to be traced directly to the existing Corn Law. No doubt other similar restrictions upon commerce contribute to this result, but the proposition I mean to endeavour to establish is, that it is mainly to the limitation imposed by law on the importation of corn that the present inadequate reward of industry is to be attributed; this is what I shall endeavour to show, confining the observations I am about to make to this one point, and not considering the question before us in any other view. In attempting to establish this proposition, I will in the first place ask you to what other cause you can attribute the fact that both wages and profits are so low? Do English capitalists and English labourers receive little because they produce little? Is it because English industry is unproductive that it is ill rewarded? Most certainly not;—in energy and in judgment British capitalists, whether they are merchants, manufacturers, or farmers, are second to those of no other country; while the persevering and skilful industry of British labourers is proverbial throughout the world; and the success of the joint exertions of both classes in the work of production is great in proportion. In manufactures we all know that science, by rendering the gigantic force of steam subservient to our uses, and by the astonishing improvement of machinery, has increased the power of human industry in producing the materials of clothing and the great majority of articles ministering to our wants and convenience almost beyond calculation; so much so that an Amendment has actually been moved by the hon. Member for Knaresborough (Mr. Ferrand), declaring this to be an evil, as if increasing the facility of supplying human wants could be a calamity to the poorest classes of society! To be consistent, I wonder that the hon. Member did not recommend that English labourers should return to the happy, simple state of the aboriginal inhabitants of Australia, who do not know the misfortune of having any machinery or implements to assist their labour. The hon. Member certainly had some difficulty in finding a seconder for his Amendment, but he did at length obtain one, and I leave it to the country to decide whether the two hon. Gentlemen, the Mover and the Seconder of such a resolution, are not extraordinary specimens of legislative wisdom. But, Sir, I was arguing that it is not owing to any deficiency in productive power that industry is ill rewarded in this country; so far as regards manufactures, as I have shown, this is sufficiently evident; in agriculture, though certainly to a less extent, it is not less certain that there has also been an improvement in the efficiency of labour. Notwithstanding the handsome crop of thistles described to-night by my hon. Friend the Member for Wolverhampton as growing at Tamworth, there can be no doubt that agriculture in general has of late years made great progress, and that owing to the advancement of science and the improvement of implements not only is the whole produce of the kingdom greatly increased, but the amount of produce in proportion to the labour employed is much larger than at any former period. The inquiries recently made into the state of agriculture in former times have clearly shown that each labourer now employed in the cultivation of the soil produces at the present moment a considerably larger quantity of human food than even at so late a period as the beginning of the present century; and if we look back to a more distant period—for instance, to the reign of Queen Elizabeth,—at least two or three times as much as each labourer similarly employed at that time. Since, then, it appears that English labour is now more effective than at any former period in producing food, and clothing, and those manufactured articles by which we pay for commodities imported from abroad, why is it, I want to know, that the English labourer receives a smaller share of all these things than formerly? For it is not only money wages that are low; not long ago the hon. Member for Stockport (Mr. Cobden) described the mode of living of the Dorsetshire peasantry, and showed how

wretched their condition is; and my noble Friend the Member for the county (Lord Ashley) admitted, with the frankness which distinguishes him, that that description was not overcharged. The hon. Member who has just sat down (Mr. Miles) has also admitted that the agricultural population in a great part of the south of England is in a very bad condition. Why, I again ask, is this? Why, when industry is admitted to be so productive, is so small a portion of the fruits of industry enjoyed by the labourers, while their masters are also equally ill off, profits being as low as wages? The test of the low profits of the employers of labour is the high price of the funds and the low interest of money, showing what difficulty there is in finding profitable employment for capital. How are these facts to be accounted for? It cannot be said that they are occasioned by heavy taxation, for within the last twenty-five years taxation to a large amount has been remitted, and there has been no proportionate improvement in the condition of the labourer and the capitalist. Indeed it would not be difficult to show that this country as compared to other nations, is not heavily taxed in proportion to its wealth; and though there are certainly some objectionable taxes, the revenue is not upon the whole drawn from sources which makes it press heavily on productive industry. It seems to me that there is one way, and only one way, of accounting for the facts which I have mentioned, and it is this; the territory of England being limited in proportion to the number of the people, the owners of the land are enabled by this natural monopoly to demand from those by whom it is cultivated, a payment in the shape of rent which has to be deducted from the gross produce of the soil before it is divided between the labourer, and the farmer or capitalist who employs him. The increasing population and consequently increasing demand for the total produce of the soil, creating a greater and greater competition for land, more and more, in proportion to the amount produced, is thus subtracted from the produce, before it is divided between those by whose labour and capital it is drawn from the soil. Thus wages and profits in agriculture are kept down, while rents are raised by the limited extent of land in proportion to the numbers of the people; but as those engaged in other branches of industry must exchange directly or indirectly a large part of the produce of their labour for food, and as wages and profits in different occupations in the same country are always tending towards equality, the price of agricultural produce regulates the price of all other commodities; and the rate of agricultural wages and profits regulates wages and profits in every other department of productive industry. Thus the generally low rate of wages and of profits is the immediate result of the want of a wider field for the employment of capital and labour. That I am right in this view of the subject, and that it is the limitation of our territory, in proportion to the number of people to be fed, that keeps down wages and profits, is, I think, conclusively proved by the fact, that wherever land is more abundant, there both profits and wages are higher. Take our own Colonies, for instance, in New South Wales and in Canada both profits and wages are high, not merely money wages, but the command of the labourers over the necessaries and comforts of life. Yet labour in these distant Colonies is far less productive than at home, that is to say, it takes a far greater amount of labour to procure an equal supply of all that a labourer wants, than in this country. In the back woods of Canada, the tools and clothes which the settler requires have to be brought to him from a great distance, the very corn he consumes has frequently to be carried to the mill, and brought back at a vast expenditure of labour, over many miles of scarcely passable roads. The labourer, in this country, on the contrary, has everything at hand, the corn he produces is carried by the best possible roads to a canal or a railway, and converted into flour by steam-mills of the most perfect construction. Yet with all these advantages on the side of England, the Canadian can procure more food, more clothing, a better habitation, and is in all respects better off than the English labourer. This is only to be accounted for by the fact that in Canada land is so abundant that little or nothing is paid for its use, and nearly the whole produce of the soil is enjoyed by those by whose capital and labour it is raised. The same fact is everywhere to be observed; wherever the extent of good land easily accessible is large as compared to the population (provided only that security is maintained), industry is invariably well rewarded, both wages and profits are

found to be high. Whether we look to New Zealand, to Australia, or to Canada, this rule we find invariably holds good; on the other hand, a dense population, or in other words, a contracted field for the employment of labour and capital, as invariably leads to intense competition for employment, and, as the result of that competition, to low wages and low profits. I am almost ashamed of arguing at such length in support of what seem to me such plain and elementary truths, but I am compelled to do so, since they lie at the very root of the question before us. If I have succeeded in showing that it is the restricted extent of our territory, as compared to our population, which makes profits and wages so low, it follows, that if we could enlarge our territory, our numbers remaining the same—if a large additional extent of fertile land, readily accessible, could be obtained, the remuneration of productive industry would immediately be increased, because a part of the labour and capital now competing for employment within our narrow bounds, would find employment in cultivating this additional land; and, of course, the competition for our former territory becoming less active, the farmer and labourer would be enabled to divide between them a larger proportion of the fruits of their industry. Now, Sir, an increase of our territory is not to be obtained, but I wish to be informed whether precisely the same results would not follow from permitting our capitalists and labourers to exchange freely the produce of their industry for food brought from abroad? An increase of territory would increase the reward of productive industry simply by rendering less stringent the natural monopoly of land. If ten or 100,000 labourers, and a proportionate amount of capital, were to find a new field for employment in the production of food upon additional land recovered from the ocean, this would raise both wages and profits by diminishing the competition for land and increasing the supply of food; and surely it is obvious that the very same effect must follow if these same labourers and capital, instead of producing food directly from newly-recovered land, were to produce it indirectly, by producing clothes and tools which they were permitted freely to exchange for corn and flour produced in Poland and America. That such an exchange could be made, if the law allowed it, is admitted. The argument of the hon. Member who spoke last turned entirely upon the too great facility with which he supposes that foreign corn could be introduced. Is it not then a monstrous abuse of the power of the State to forbid such an exchange so manifestly for the benefit of the working man—an abuse peculiarly monstrous to be sanctioned and maintained by the right hon. Gentlemen opposite, who lately, in discussing the Factory Bill, were so eloquent upon the right of the poor man to make the most of his own labour, and to be free from all interference in trying to turn that labour—his only and sacred estate—to the best advantage: is it not, I say, a monstrous injustice that a cutler at Sheffield, or a spinner at Manchester, the produce of whose year's labour might perhaps be exchanged for thirty quarters of foreign wheat, should be prohibited from making that exchange, and should, by your laws, be compelled instead to accept home-grown wheat, of which he can obtain only twenty quarters? What is this but robbing him, for the benefit of another, of one-third of the produce of his labour? I do not, of course, assume that this is the exact amount which is really taken, but whatever the difference between the amount of foreign corn which he could obtain, and of home-grown corn which you permit him to obtain, in exchange for the produce of his labour, in that precise proportion you deprive him, for the benefit of another, of the fruits of his honest industry—you take from one man that to which he is justly entitled, to give it to another who has no earthly right to it. Recollect that you are not taxing him for the benefit of the State; if you were, there would be no injustice, all classes are interested in maintaining the State, and taxes levied to provide the means of meeting the necessary expenses of Government if not unduly apportioned, are perfectly just. But your Corn Law is avowedly imposed to check the facility of exchange. The right hon. Baronet opposite altogether disclaims it as a source of revenue, and maintains it exclusively for the sake of what you call protection to agriculture, this protection being neither more nor less than a right given to the owners of the soil, to obtain from productive labour a greater share of its fruits, than they could otherwise require by forbidding the labourer to exchange the produce of his labour with

those who would give him most in return for it, and compelling him to buy his food in the dearest market. This, translated into the plain language of common sense, is the meaning of what is called protection. I believe that in every civilised and densely-peopled country, wages and profits must gradually fall. The effects of this tendency to diminish the comforts of the people, is to a certain degree, counteracted by the increasing efficiency of labour and the improvement of machinery, of which the hon. Member for Knaresborough (Mr. Ferrand) has so bad an opinion; but still I contend that the fall of wages and profits in a densely-peopled country, can only be prevented from pressing most heavily on the working classes by permitting the importation of food. The freest importation could not, I believe, prevent such a fall, but it would keep it within bounds, and render it no serious evil; it is the means appointed by Providence for making the unoccupied territories of the world available for the support of old and fully-peopled countries. Is it, then, just to interfere with this process? Have we a right, by a law passed not for the sake of revenue, but merely for the benefit of a particular class, to put difficulties in the way of the importation of food? I ask you whether it is just, and whether it is wise, for our own sake to do this? and, Sir, I wish, I could press upon you as it ought to be pressed, the condition of the productive classes in this country at the present time; I wish I could impress upon you half as strongly as I feel it, the solemn duty of losing no time in endeavouring to improve the condition of the industrious classes. It is acknowledged on both sides of the House that they are deeply suffering. Look, in the first place, at the condition of those who live by the productive employment of capital; of course, the higher the rate of profit the smaller the capital necessary to maintain a tradesman and his family in decent comfort, and on the other hand, the low rate of profits is rendering it daily more and more difficult for the smaller class of tradesmen to obtain a living. Its tendency is to throw all trade and the whole business of the country to a greater and greater degree into the hands of a small number of persons of very large capital, to the utter destruction of those of humbler means, to build up those overgrown establishments, peculiar to the present day, on the ruins of those on a smaller scale which formerly existed. The consequence is to make more and more marked that contrast between great wealth in some and great poverty in the mass, which the right hon. Baronet (Sir R. Peel), in introducing the Income Tax, justly described as one of the social evils of the times in which we live. It is to this same circumstance or the low rate of profits that we must attribute the difficulty, so much complained of, which young men of the middling and upper ranks find in establishing themselves in life, and the overcrowded state of every profession, with the moral evils which hence arise. If we look to the labouring classes the case is still worse. [Colonel *Sibthorp*; No, no.] The hon. and gallant Member for Lincoln, like myself, comes from a part of the country where the labouring classes are comparatively well off, and we are spared the pain of witnessing the extreme distress which is described as elsewhere existing. But Lincolnshire, of whose superiority the hon. Gentleman is so proud, in fact, furnishes an illustration of my argument, because it is the circumstance, that in the last century, there has, in that part of England, been a great increase in the extent of land brought into cultivation, which is the cause of the superior condition of the labourers. But though the labourers in that county and generally in the north of England are comparatively well off, in the southern counties, it is universally admitted that their condition is most deplorable. In Suffolk, in Dorsetshire, in Wiltshire, this fact has unhappily been too painfully brought before us. In Wiltshire, only the other day, I observed in the newspapers the account of a public meeting, which was held to consider the means of improving the distressed condition of the people. From time to time, we have disclosures as to others of the working classes being in a similar state of suffering; for instance the condition of the poor sempstresses in London has not long since been brought under our notice. The evil in all these cases is the same,—it is the effect of an over-crowded population pressing for the means of subsistence who, in their intense competition to obtain a livelihood, are driven to offer their labour for the lowest remuneration upon which existence can be maintained. Now, the question which we have to consider is whether we can do anything effectually to

relieve this large and suffering population, except by adopting the measure this night submitted to us, and by which, as I have shown you, we should diminish the stringency of that monopoly which is the original source of all the difficulty we experience. I am persuaded that every other measure we can take would prove ineffectual. Some hon. Gentlemen are of opinion that all this suffering might be got rid of by a sufficiently large system of emigration. Such is not the opinion of Her Majesty's Government, and I am bound to say, that in this I think they are right; although I entirely agree with my hon. and learned Friend, the Member for Liskeard (Mr. C. Buller) as to the great advantages which would flow from extensive and systematic colonization, and though I think we have great right after the promises of last year, to complain that the measures of the Government upon this subject have fallen so lamentably short of what we were led to expect, still I cannot believe that emigration even upon the largest scale, could by itself, effect a real improvement in the condition of the great body of the people which must remain at home. But if it is impossible by means of colonization alone to raise the condition of our population at home to a level with that of those who emigrate—for it ought not to be lost sight of as a proof of what is the real nature of the evil under which we are suffering, that if the poor sempstresses of London or starving peasants of Dorsetshire can prevail upon themselves to break the ties which bind us to our native land, and are fortunate enough to obtain the means of reaching our colonies, in general they want no other assistance, they there find that their labour, which here was of little value, affords them a sure and sufficient resource; and, instead of competing for employment with their fellows in distress, by offering to work for the lowest possible wages, the competition is amongst those who wish to employ them who first shall secure their services. If, I say, it is as I believe, impossible to improve to this extent the condition of the working class at home, we may at least forbear from aggravating the natural difficulties of a crowded population by imposing artificial restrictions upon the importation of food; we may open our ports for the admission of corn, thus rendering less intense the competition for the means of subsistence, thereby raising the value of labour in the market and enabling the labourer to obtain a larger share of the fruits of his industry. This, I again say, is the true remedy, and the only one that will not disappoint you. Some Gentlemen again bid us look to an alteration of the Poor Law. Now, Sir, it seems to be perfectly evident, that charity, whether enforced by law or voluntary, can never constitute the habitual dependence and regular means of livelihood of the great body of the working population. If this were practicable, it would be destructive to the moral character and to the happiness of the poor. I can conceive no situation more degrading or more miserable than that of the peasantry in a great part of the South of England previously to the Amendment of the Poor Laws. Relief in cases of age or sickness, or of temporary or accidental distress, will always be necessary; but in a healthy state of society the honest earnings of independent industry, not the contributions of charity, will always constitute the habitual and ordinary means of support of the great body of the people. Again, Sir, there are others who attribute the prevailing distress to the misconduct of those who, they say, oppress the poor by screwing down wages to the lowest possible amount. But it was truly said by the hon. Member for Stockport (Mr. Cobden), in describing the low wages of Dorsetshire, that it is not in the power of employers, whether farmers or manufacturers, to determine the amount of wages at their pleasure; the rate of wages depends on circumstances over which they have but little control; it is governed by the relative proportion of the supply and demand for labour; no combination, whether to raise or to depress wages, can permanently succeed; all experience shows that in the end, whatever may be done to prevent it, they find their level, and that the condition of the working classes can only be really raised by improving the demand for labour, thus enabling them to command higher wages as a right, not to obtain them as a boon. This, I am persuaded, we can accomplish, simply, by taking off the restrictions which now prevent the poor from buying food where it can be got the cheapest, restrictions which every man who hears me must be conscious in his own heart to be utterly inconsistent with those principles of commercial policy which the right hon. Gentlemen opposite take to themselves so much credit for

maintaining "in the abstract." Maintaining these principles, it is to me altogether incomprehensible how the right hon. Baronet can reconcile it to his sense of duty to defend the present Corn Law when he sees what is the present condition of the people, unless he can propose some other mode of improving it. The House should beware how it persists in this system, and the more so because, though the hon. Gentleman who spoke last treated with some derision the notion that this is a question of rent, in which the farmers and agricultural labourers have no interest, I must express my conviction that this is the light in which it is and must be considered; it is a question of rent, and of rent only. In saying this I am very far from meaning to give offence to the owners of land, to whom it is impossible I should not wish well, since all my interests are bound up with theirs, but I feel it to be the truth, and I cannot therefore abstain from stating it; and yet, though it is as I believe a question of rents, I would most earnestly entreat Gentlemen interested in land to consider the subject a little more deeply, when I am persuaded they will find that, even upon the narrow ground of self-interest, we ought to desire to put an end to these restrictions. For nearly thirty years we have now tried this policy of protection, and what have we to look back to but to a continued succession of disappointed hopes of agricultural prosperity which have always mocked our expectations, and to constantly recurring periods of agricultural distress. I am persuaded that our own interest requires an abandonment of this policy; but however this may be, whatever the effect on our own interest, I feel most strongly that it is our solemn duty no longer to resist a change so essential for the welfare of the industrious classes. We know that by divine authority a malediction is denounced against those who withhold from the labourer his hire, and it is my firm conviction that the guilt is no less, of those who as legislators, maintain laws by which industry is curtailed of its due reward, than is that of the private and individual extortioner who deprives the labourer of his wages. In that guilt, if the House should be resolved to incur it, I, at least, for one, will have no share or participation, and I call upon you most seriously to beware how you act. All experience proves that, if justice is too long withheld in such cases, far more than justice is always in the end extorted, and I think there are not wanting significant symptoms that from that end we are no longer very distant. It is true that the Government, in supporting the existing law, is all-powerful in this House, and probably also with the constituency by which this House is chosen; but as a friend to the existing political institutions of the country—as one who would look with alarm at any sudden or violent disturbance of the present distribution of political power—I warn you that, when once the persuasion shall become general, that this power is perverted for their own benefit, to the oppression of the rest of the community, by those to whose hands it is by these institutions committed, their foundations will be sapped; when once this persuasion becomes general, the days of our present political institutions are numbered. [Colonel *Sibthorp:* When it does.] The hon. and gallant Member for Lincoln says, "When it does;" I tell him that already that persuasion is fast gaining ground. ["No, no."] The hon. Gentleman may say "No," but if he were skilful to read the signs of the times, he would give a very different answer. Let us only mark the facts which are notorious to all. Whence, I would ask you, arises the universal prevalence of Chartism in the manufacturing districts? The Members of the Anti-Corn Law League have been taunted to-night with not being able to venture to hold open meetings in the largest manufacturing towns; but do you really suppose that the interruption given by Chartists to free-trade meetings arises from their being friendly to the Corn Law? If you do, you are greatly mistaken; the feeling which prompts these interruptions is of a very different kind. The Chartists, as they call themselves, entertain so deep-rooted an aversion to the existing institutions of the country, that they will not join in any attempt to procure the repeal of the Corn Law, until they shall have first obtained the political changes for which they seek; because they believe that, if the Corn Law were first repealed, they could no longer hope for any support for their designs from the middle classes, but that, if the Corn Law cannot be otherwise got rid of, the middle classes will ultimately join them in their assaults on the present constitution of the country. It is this feeling of hostility to our institutions

which is the true key to their conduct; but this feeling never would have become so general, or so strong, had it grown up merely from a persuasion of the theoretical injustice of their own exclusion as a class from political power. It is a sense of suffering and distress—it is what the Chartists themselves have called "a knife-and-fork question"—which is at the bottom of their desire for a change in our political institutions; they feel that their situation is one of great privation, that they have to maintain a constant struggle with poverty, and they refer this state of things to what they call your "class legislation;" hence, naturally enough, their desire to place the power of legislation in other hands. Do not suppose that you can remove this impression from their minds except by improving their condition; you cannot convince them that the difficulties which they suffer are not the result of your legislation, and for this simple reason—that in the main they are right. It is true that, as might be expected from men who (to our shame) are in general very imperfectly educated, they are often mistaken as to the real faults of our legislation, and the remedies they propose would often only tend to aggravate the evils of which they complain; but still they are not wrong when they instinctively come to the conclusion that they ought to be able to command a "fair day's wages for a fair day's work," and that when they cannot do so, there must be something amiss in your system of Government and legislation. God, I am persuaded, has not so constituted the world, that without some fault on the part of those in whose hands power is placed, honest industry can fail to receive its just reward, and in return for toil, to obtain adequate means of subsistence. If we turn from the manufacturing to the agricultural population, here also we find undoubted symptoms of the prevalence in many districts of great discontent. The President of the Board of Trade has distinctly admitted that it is to the discontent of the peasantry that we must attribute the incendiary fires which have been of late so unhappily frequent in Suffolk; and it is clear that in this case at least the feeling arises not from political theories, but from the pressure of distress. It has been asserted that this distress, and the discontent it occasions, are to be attributed to the New Poor Law; but I cannot acquiesce in this opinion, when I remember that outrages of a precisely similar description prevailed much more extensively some four or five years before the alteration of the Poor Law, than they have ever done since,—they were, I believe, then, as now, to be ascribed to distress, and to abuses in the administration of the Poor Law. But these abuses, at the present time, appear to me clearly to arise, not from the change which was made in the law in 1834, but from an attempt to return under the new law to one of the worst parts of the former system. Some letters have lately appeared upon this subject in the *Times* newspaper, and though I by no means agree in all the views of the writer of these letters, still he must, I think, be admitted to be a person of considerable ability, and to have employed great care and industry in the collection of facts bearing upon the state of that part of the country in which these fires have prevailed. It was one of the most serious objections to the former state of the law, that by confounding wages and relief, labour was paid, not according to its fair value, but according to the supposed wants of the labourer; and thus most inadequate wages were given to single men. Now it appears, from the letters to which I have referred, that the Boards of Guardians in this part of Suffolk (which consist, be it remembered, of the very same individuals who as overseers and vestrymen administered the old law) have returned to their old practices, and have endeavoured, by refusing relief to single men who decline working for wages however inadequate, to compel them to accept much lower wages than are paid to men with families for the same sort of labour:—this I contend to be contrary to the whole spirit of the Act of 1834; it is a perversion of that law, by the guardians entrusted with its administration, which the Poor Law Commissioners (whose powers, in my opinion, ought to be exerted at least as much for the protection of the poor as of the rate payers) might with great advantage interfere to check. But, Sir, it is, with reference to the subject before us, most important to remark that this abuse is one which may in a great measure be attributed to the Corn Law. It is that law which, as I have endeavoured to show you, occasions the intense competition for land; whence arise both the power and the temptation to commit this abuse. The

competition for land drives the farmers to offer rents which they cannot pay, and at the same time obtain a fair living for themselves, and give a fair living to those whom they employ — hence they are tempted to endeavour to reduce wages to the lowest possible amount; and the same competition amongst the labourers compels them to accept what is so offered. Nor is this all, the Corn Law farther contributes to this result by discouraging the improvement of the land, which ought to take place, and which would increase the demand for labour. The right hon. Gentleman the President of the Board of Trade has expressly told us that the distress prevailing in the county of Suffolk is, in part at least, occasioned by the reluctance of landowners and farmers to invest money in permanent improvements, owing to their distrust of the stability of the present Corn Law. I have no doubt that this statement of the right hon. Gentleman is correct, and I can add that this same feeling is the cause of that indisposition of farmers to take leases, which it has this evening been with truth remarked is frequently found to exist. This seems to me to be a strong reason for endeavouring to place the Corn Law upon such a footing as shall inspire confidence in the permanent stability of our arrangements; and if, as we are told by the right hon. Gentleman, this can only be accomplished by an absolute repeal of all restrictions upon the importation of corn, to that repeal let us by all means come without delay; were we to agree to such a change, that fear of foreign competition which now acts in discouraging enterprise and improvement, would immediately have precisely the opposite effect, and would operate as the strongest stimulus to exertion. But, Sir, in referring to the state of Suffolk, I have been led much further than I had intended: I will now, before I sit down, revert but for a moment to the argument I was pursuing, and I will ask you whether it is safe to allow those feelings of discontent which I have described, to continue to work unchecked in the minds of a large division of the agricultural peasantry, and of almost the whole of the working class in the manufacturing districts? I ask you, further, do you think you can cure this discontent except by relieving the distress from which it springs, and improving the condition of the great body of the people; and have you any other means to suggest of accomplishing this object, than those which we recommend for your adoption—the removal of restrictions upon trade, and the restoration to the labouring man of his right to make the most of his labour, by exchanging the fruits of his industry with those who will give him most in return. In conclusion, though my noble Friend the Member for Dorsetshire (Lord Ashley) is not present, I must express my earnest hope that he and those Gentlemen who voted with him and with myself upon the Factory Bill will feel that, consistently with what they did on that subject, they cannot support the continued exclusion of foreign corn from our markets. I am well acquainted with the high and honourable motives of my noble Friend, but to those who know him less, I trust his conduct will afford no pretence even for imputing to him that although for the benefit of one part of the working class he is determined to try a bold experiment, where the interests of others only are concerned, he is not prepared where his own interest, or that of his party is at stake, to pursue with equal courage and equal energy the course by which he might with most effect promote the noble object he has proposed to himself, of raising and improving the condition of the great body of the people. My noble Friend has repeatedly expressed his sense of the evils which now afflict the working classes in this country, and seeing how great are those evils, and that no other remedy is proposed, he surely must feel that he could not be wrong in joining with us to demand the removal of artificial restrictions, which even their advocates do not venture to defend upon principle, which the President of the Board of Trade has this evening in the most marked manner shrunk from defending upon principle, and only attempted to support upon some special and exceptional grounds. My noble Friend may rest assured, that when he sees in combination with a system avowedly artificial and unnatural, great misery and distress, he could not be mistaken in calling for a change of policy, in demanding that a return should be made to that system of free intercourse between nations, by which a benevolent Providence evidently intended that the abundance of one country should be brought in aid of the scarcity of another, and in refusing, when the people are suffering so deeply from the difficulty

of obtaining the means of subsistence, to tolerate any longer the maintenance of artificial arrangements, of which the professed aim, and certain effect, is to restrict the facility of introducing into this country an additional supply of food for their use.

Debate adjourned.

Turnpike Trusts (South Wales).] Sir *James Graham* said, the House was aware that the disturbances in South Wales last year were connected with the tolls in that portion of the country, and he was about now to move for leave to bring in a Bill which was founded upon the recommendation of the Commission which was appointed by Her Majesty to investigate the subject. He would state now to the House, as briefly as possible, the general nature of the Bill. It was proposed that a Commission should be appointed to visit each trust, and investigate its debt, that they should receive the necessary evidence to enable them to form a conclusion, and then make an award of the real marketable value of the debt; when the award was made they were to serve notice upon the creditors, and in case the creditors refused there was a provision for arbitration. When the Commissioners visited each of the six counties there was a provision which enabled them to report to the Exchequer Loan Commissioners the amount which would be required to be advanced to meet the debts, and the loan Commissioners were empowered to advance money towards the liquidation of the debt in the six counties —a provision being made for its repayment within thirty years. From the tolls the first securities were to be obtained for the repayment of the debt, but there was to be a residuary charge out of the county rates for the same purpose, and in aid of the tolls. It was proposed that after the repayment all the existing acts with respect to those trusts should be repealed, and the existing trust extinguished, and the management was to be placed in a county board, consisting of *ex officio* members, partly of magistrates, and partly of representatives of the rate-payers. The tolls would then be administered by a county board in each county; and the act provided for a great reduction in the amount of tolls. The distance between trusts would also be reduced after that, and there was to be a superintendent of roads appointed by the Government, who was to reside in South Wales, and who was to superintend the roads under this Bill, without whose concurrence no additional debt should be incurred. There was to be a certain limit to the amount of toll for the purpose of repayment, and the portion of the county-rate, which each rate-payer contributed towards the re-payment, was to be deducted from the rent, so that the burthen would not fall on the occupier, but upon the owner. He was anxious to proceed with the Bill with the least possible delay, and he should, therefore, move for leave to bring it in.—Leave given.

Bill brought in and read a first time.

House adjourned at half-past one o'clock.

HOUSE OF COMMONS,

Wednesday, June 26, 1844.

Minutes.] Bills. *Public.*—2°. Coroners (Ireland).
Private.—2°. Gaspé Fishery and Coal Mining Company. 3°. and passed:—Marianski's Naturalization.

Petitions Presented. By several hon. Members (17 Petitions), against Dissenters Chapels Bill.—By many hon. Members (87), against Repeal of the Corn Laws.—By Sir W. Heathcote, and Viscount Ingestrie, from Alresford, and Stafford, against Bank Charter Bill. — By Mr. O. Stanley, from Llangwm, in favour of County Courts Bill.—By Mr. Rutherford, from Leith (2), for Amendment of Merchant Seamen's Act.—By Mr. Wawn, from Tynemouth, in favour of Smoke Prohibition Bill.—By Mr. Bright, from Rochdale, against Extension of Yeomanry Force.

Abolition of the Corn Laws — Adjourned Debate.] The Order of the Day for resuming the Adjourned Debate on the Corn Laws was read.

Mr. *Stafford O'Brien* said,* the noble Lord, the Member for Sunderland, who occupied the last hour of last night, and the first hour of this morning, by a speech upon Political Economy in general, and on Colonization as connected with the

* The following report of what fell from the hon. Member, is from a pamphlet published by Blackwood and Sons, for the Agricultural Society, authorised by the hon. Member, and entitled, "History of the League," with the motto:—"It is near two thousand years since it has been observed that these devices of ambition, avarice and turbulence, were antiquated. They are indeed the most ancient of all common places. . . . Eadem semper causa—libido et avaritia et mutandarum rerum amor."—Burke.—*Appeal from the New to the Old Whigs.* — [Several of the passages quoted by the hon. Member have been referred to, instead of being set out at length.]

In the following pages, "*A.C.L.C.*," means Anti-Corn Law Circular; and "*A.B.T.C.*," Anti-Bread Tax Circular.

Poor Law in particular, was pleased incidentally to dilate upon the existing Corn Law; and as that is the subject of the present debate, I trust the House will excuse me if I confine myself more directly to it. The noble Lord mentioned the state of the country in Dorsetshire, and he also alluded to the incendiary fires in Suffolk. My hon. Friends the Members for Dorsetshire and Suffolk are in the House, and are never unwilling or unable to explain whatever may concern the counties they represent. In the noble Lord's speech there was much which we all must acquiesce in, how few soever of us may be able to state it as clearly and forcibly as he did. The extreme difficulty and importance of the subject — the danger of seeming to thwart God's good providence and purposes of mercy by our legislation — the terrible gulf that there is now between the rich and the poor, a gulf so wide that if it go widening on, even Hope herself may not wing her way across it. On these points I tender to the noble Lord my deep and mournful sympathy; but when I venture to say to him that the course he is now adopting would, in my firm conviction, if successful, exaggerate every one of these evils, and exaggerate the worst evils most, he must permit me also to express my regret, a regret the greater because I have heard true and noble sentiments from him — that he should have thought it not unworthy of himself to declare all those who differed with him as liable to the maledictions of the Holy Scriptures. Questionable and dangerous as are all such applications in popular assemblies, they are yet most exceptionable and most dangerous on such a subject as this, where fanaticism the most bitter, and sectarianism the most bigoted, have lent their aid in denunciations; and have not hesitated to use, in the passing struggles of earth, the prostituted weapons of another world. The advocate of the smallest fixed duty is just as liable to the ban of the noble Lord as is the most uncompromising adherent of the present law, and as for defrauding the labourer of his time, let me remind the noble Lord that the question of wages is the very point in dispute. If, for instance, I told the labourers on the clay soils of Northamptonshire that those soils could no longer remain under cultivation, and that the labourers themselves must either go to Manchester or to the Oundle Union, to whom would they think the noble Lord's text applicable then? and if they found that the money paid for labour was diminished in the agricultural districts, while wages from the competition for employment were lowered in the manufacturing districts, how would the case of defrauding the labourer of his hire stand then? would there be wanting texts on the other side? and would the poor then be inclined to treat the noble Lords authority as otherwise than most apocryphal? Hon. Members have alluded to the necessity of providing subsistence, which, let me remark, must be not only cheap but sure, and I can scarcely imagine a more noble office than that of a statesman devoting himself to the examination of the vast question of a people's food: bringing to bear on such a question, great ability, great knowledge, great experience, taking for his high landmarks those principles which the history of all nations teaches us, whether by example or by warning; bold to quit the beaten narrow track of economists and pamphleteers, and to travel far and wide in his investigations, because, with such landmarks, he is safe from error, and therefore dares to be moderate, to be firm, to be patient. Such a man, though we may differ from him, we must respect; but by way of forcible and antagonistic contrast to such a man take one of our modern philosophers; one of those men with just knowledge or sciolism sufficient to addle their heads and harden their hearts; men who have learned so very little, and that little so very badly, as to be actually ignorant of their own ignorance: who are ever ready to spring to an abstract remedy to prescribe for a complex case; who, untaught by the consequences of a thousand errors, continue still to dogmatize and blunder; men to whom experience comes in vain, and to whom time only adds obstinacy to error; who, without the least power of seeing into the life and truth of things, are ever enamoured of some tawdry theory, and ready at all hazards to embrace it; who never looking high, or deep, or far, are perpetually patching and redaubing their systems, which are as perpetually splitting and cracking, falling to pieces and passing into infinite nothingness as soon as ever practical life comes near them with its touchstone; and who reject nothing except toleration towards those who differ from them, and veneration towards those who have gone before them. These are

the men—it were easy to mention more of their characteristics—of whom Napoleon said, "Give them power, and they will grind the happiness of any nation to powder;" and I am sorry that the noble Lord, with his abilities, with his earnest convictions, and with his honest purposes, should for a moment lend himself to them; for their power would be the weakness of our country, and their ascendancy would peril the existence of all we hold best and dearest in it. The hon. Member for Wolverhampton, last night, during the whole course of his speech, assumed, that argument after argument in defence of the Corn Laws was given up, and then said, "This being the case, how are you prepared to defend them?" Now, this would have been a convenient plan, if it had been taken up by hon. Members to-day, instead of yesterday; but, for a gentleman to begin by crying victory—to tell us that we dared not say things, when, by the rules of the House, not one single Member but himself could have said a word on the subject: such a plan cannot be called a subtle one, or a bold one; it is simply ludicrous. Whenever — for such is the rule now, at Covent Garden — whenever you cannot answer an argument, assume that it is abandoned; whenever the facts and the inevitable inferences are such as cannot be contradicted and must be drawn, why then put a bold face upon it; treat it as an exploded fallacy, talk about grandmothers, and country squires, and old women, you are sure to raise a laugh; and, while others are laughing, you can run off to a position less untenable, and call it coming back to the real question before the House. The arguments, Sir, in favour of the principle of protection have been repeated in this House as often as the question has been brought forward. The particular burthens upon land; the necessity of being independent of foreigners for a supply of food; the desirableness of maintaining agriculturists as a class in the important position they now occupy; the perils of so vast an experiment in the face of all experience; these are the reasons which, in my mind, are convincing against the abolition of our Corn Laws. I do not say that they are the only ones; I do not say that to other minds they are the best ones; but this I do say, that the assumption of our being ashamed of our arguments is most unwarrantable; and, to make it, did require a considerable portion of that assurance for which some hon. Gentlemen opposite have been so long and so justly remarkable. The opponents of the Corn Laws have two very considerable advantages over us. The first advantage they share in common with all those who boldly attribute to one cause the evil and sorrow which lies around us; in proportion as that evil and that sorrow is prominent, in proportion as the remedy is, so to speak, obvious at first sight, and close in apparent connection with what it promises to cure, by so much is the advantage greater on the side of those who urge it: and when we consider that this is not any plan whose effects must be at the best remote and indirect, but one which, so soon as ever it shall be placed in the Statute Book, professes to satisfy the hungry—I say that the first of these two advantages must be one of considerable magnitude and importance. The second is, that this free-trade scheme has no admixture of doubt or qualification; its principle is asserted in all its length and breadth: for instance, you say there ought to be no restraint upon the importation of foreign corn: we are not willing to meet this by an assertion equally definite and hardy, that there ought to be no importation at all. You say the duty cannot be too low; we refuse the antithesis that it cannot be too high, and therefore we give you, or rather the constitution of things gives you, in popular harangues all the advantage attending those who insist upon investing their political dogmas with the same absolute certainty, and sharp angular outline, that men allow to mathematical truths. But I must observe, that if the experience of life, and the opinions of all who have thought most, be worth anything, this last advantage is an advantage which stops with such debating, and that when we come to practical details, it either must be wholly abandoned, or the evils we create will be greater than those we find existing. Take the often-quoted sentence about buying in the cheapest and selling in the dearest market, a sentence that has just enough truth in it to pass current and jingle on the ear. In laying down this maxim, you draw as much of the conclusion as suits, not with your premises, but with your policy. Why in one sense it has been acted on ever since the world began—six thousand years before the League made its august appearance

upon earth, and it probably will be acted on six thousand years after the League has passed away and been forgotten: taken with qualifications, taken with exceptions, as all rules must be—and especially all political rules—there is not a man from Stowe to Stockport who would controvert it. But taken without exceptions, in adamantine rigour, it amounts to this, that lucre is to be the sole guide, the sole principle of action in money transactions between man and man; that we are to own no allegiance in public or private to any other feeling or principle than that of cupidity; that in private life no domestic ties or affections, no neighbourly usages, no claims of charity, are to be listened to, whenever they even seem to intrench upon buying in the cheapest and selling in the dearest markets. Take the labour market — if you employ an old labourer at 12*s.* a week, when you might send him to the workhouse, and might hire a stronger man for 10*s.*, you, in this case of the labour market, violate your own rule. You dare not (I will not wrong you so much as to suppose you wish to,) carry out this rule in private; are you prepared to maintain that it should be despotic in public life? I am not arguing now for the Corn Laws; I am merely denying and protesting against one of the most odious dogmas ever propounded. Announce that you are prepared to obey it without modification, without exception—to peril order within, defence without, national character, national institutions, for it—to apply it everywhere, and where it will not fit our usages or our institutions, to make our usages and institutions adapt themselves to it; teach it, in all its debasing tendencies and miserable selfishness, whenever and wherever you profess in your modesty "to educate the people of England," and try how long that people will be in discovering, if they do not strongly suspect already, that your school of political science should own for its founder and its master one of whom it was declared, that "he cared not for the poor, but that he kept the bag." The difficulty and embarrassment is, not with the right hon. Baronet who admitted this rule with restrictions and exceptions; not with us who are quite willing to accept it thus restricted and thus qualified, but with you, who in every one of your arguments assume the impossibility of admitting any exception to it. What is true in this apothegm is not new, and what is new is not true. But this bigoted idolatry of one maxim is quite in character with all your system. You proclaim the total and immediate, and unconditional repeal of the Corn Laws, and yet daring to make the incredible assertion, that our state of society could stand so great a shock, you call yourselves in your own paper, the "Apostles of Political Science." Now, I venture to say, that if any intelligent foreigner were to become acquainted with the state of our trade, our commerce, our agriculture, and with the characteristics of the different classes of our countrymen, and then to be told there are a set of men advocating a change thus abrupt and thus enormous, the answer would be, "These men must be either too visionary to be listened to, or too dangerous to be trusted." To equal you, or rather to rival your folly, in attempting to tear every tariff regulation from our Statute Book at once; to descend to your level in advocating a project so stupid and so puerile as instantaneous free-trade, we the agriculturists, if we wished to lose, as you have done, all character for practical common sense, ought to get up an agitation for a return to Canning's scale, or hire Drury Lane to declaim hebdomadally in behalf of war-prices. It would not be very difficult, by the help of a vast deal of sophistry, and a free-trade in exaggeration, to make out a case in favour of "the good old war times," and then, indeed, the impartial spectator might compare the one party with the other, and complain that liberality and moderation were on both sides at a discount among us. But let me tell you that our strength is our moderation; your violence is your weakness; for one recruit you enlist, two deserters leave your ranks—leave you to fight the campaign alone, even if they do not pass over to the enemy; and what is worse, many of these deserters are men who have the sinews of war—a figurative expression, but one well understood—men who used, in happier times, to give their 100*l.*, and who now give their nothings, and who answer to the softest solicitations—not only to friends, but to those members of the Society of Friends who call on them, "No, while you confined yourselves to informing the public minds—to tracts, to newspapers, to lectures, I was willing to aid you, but you have gone beyond me—you have meddled with the registration books—you

have shown yourselves on the hustings—you have interfered in elections—good morning." I have said of you—the Anti-Corn Law League—that your violence was your weakness. Your star was in the ascendant, nay, it seemed about to culminate, last winter; but do you suppose that it was our demonstrations that induced the Premier to announce his intention, at the opening of this Session, of adhering to his Corn Law Bill: do you imagine he ever thought of changing it?—but how unworthy were all your efforts to thrust a construction on his words—to distort his meaning—or to fetter down the language of a Minister to the punctilious exactness of a special pleader. If he had said that nothing on earth should ever induce him to alter that scheme in any one of its parts—if he had said he would never, so long as he continued in public life, listen to the least alteration in any part of it, however minute, or merely of detail, that part might be, what a clamour would have been raised!—what a staple he would have given for your harangues!—what a salient point for all your attacks! You want him and us, either to declare that the present Corn Law is to be henceforth and for ever as intact as the Act of Settlement, or the Act of Union; or else you wish us to say that it may be repealed next year, or the year after; and because we will say neither the one or the other,—because we persist in being moderate,—because we obstinately adhere to the practical common sense view of the question,—because, while we strongly assert the principle of protection to agriculture, we refuse to bind ourselves to details that may at one time subserve that principle, and at another controvert it; for these reasons you fatigue yourselves with abuse of us; you charge us at one time with being the stupidest blockheads that ever lived—you tell us, we are behind the times—"standing in our own light"—"clamorous against our best friends," viz., you, the League; and also you declare we are keen-sighted knaves, looking so sharp after our own interest, that with astonishing ability and consummate skill we have invented this subtle contrivance—the sliding-scale—to enrich ourselves at the expense of the public. Do you remember a saying of Mr. Cobbett's—"They call me the scum and the dregs. I may be the scum, or the dregs, but I can't be both?" Now I ask can we be both such blockheads, and such knaves? The members of the Anti Corn Law League have repeatedly said, that the landlords had hitherto had everything their own way, and had exclusively legislated for the country, Let the House hear what this country had become under the rule of the much-abused landlords. The hon. Member for Stockport, speaking at the conference of Ministers, in August, 1841, said:—

"I have not travelled in any country that I have not made it my business to inquire where their best commodities were sent to. In the Levant, in Arabia, in China, ask where the prime commodities—take any thing you please—and you will be told, that the best of everything is going to England."

The next extract is from a speech of the hon. and learned Member for Bolton, made in October 1843, at Exeter:—

"He felt proud—prouder far, than in being told the cannons of England had overthrown fortresses, or that the warriors of England had devastated the fields, or the navies of England had destroyed the ships of an adversary's country—far prouder, and, he hoped, far more Christian was the feeling that there was something in England that entitled her to be honoured and loved—that she had been sometimes the tyrant, but more frequently the benefactress of the human race. It was in her pacific pursuits—it was the power of her manufacturers, the enterprise and character of her commercial men, that she was looked on with honour and respect by the nations of the world."—*League*, No. 3.

I shall next quote the hon. Member for Durham. At Covent Garden Theatre, the hon. Member said:—

"I have sometimes thought what a beautiful illustration this wonderful city affords of the principles which we advocate. You have two millions of a population—two millions, or some large proportion of that number—rise every morning from their beds, and look out for a supply of the necessaries of life. Food they must have—breakfast, dinner, supper. How do they get it? I have heard men praise the beautiful machinery—so complex, yet so simple—of the Post Office establishment in this country—but if a man were dropped into your city, ignorant of these matters, and were told that these two millions every morning required breakfast, and that all the arrangements of life should be carried on with something like regularity and precision, he would wonder what gigantic intellect had formed the system, whose was the master mind that touched the spring—and caused all to work in harmony—no confusion and no delay. But when he looks in your streets, and sees the countless

coaches, carriages, waggons, carts, vehicles of every kind, and men walking to and fro, engaged in the avocations of life, he would be led to discover that there was some great and all-controlling principle by which those two millions were enabled to provide themselves with their daily bread."—*League*, No. 3.

Thus they had the testimony of all those Gentlemen as to the state to which this country had risen during a period in which the landlords enjoyed a monopoly of its legislation. He would ask, if a system had produced so much good, was it just to assail it as the League had assailed the agricultural interest? Here is a specimen of the language used in speaking of the landlords: [The hon. Member quoted several passages from the speeches of Members of the Anti Corn Law League vituperating the landlords.] It would appear, then, the hon. Member contended, that, bad as the landlords were, they were not so bad as the West-Indians. And, again, the hon. Member for Durham asked:—

"Do they not know that the very word 'aristocracy' is beginning to stink in the nostrils of every honest man?"—*League*, No. 3.

Certainly our conduct has been widely different from yours in reference to this question: nor will it be unimportant if I attempt some hasty and outline sketch of your past labours, and of your present position. The hon. Member proceeded to give a history of the League. The Anti-Corn Law League he said, was originated at a dinner, given to the hon. and learned Member for Bolton, in the winter of 1838; but the Anti-Corn Law Circular was not established till April, 1839. They soon began to invoke the aid of the clergy. The hon. Member quoted some addresses and recommendations to dissenting ministers and others. Here are some of the minor expedients they resort to, and I give them as specimens of their zeal and industry:—

"THE ANTI-BREAD-TAX PARTY!—'Down with the Bread-tax!'—The Anti-Corn Law League is henceforth destined to become the arbitrar of political parties. When the delegates, at their last meeting, disassociated themselves from all parties, and pledged themselves to the one sole object of destroying the bread-tax, they struck a blow which will one day be felt by every constituency throughout the kingdom. By that one wise act they secured the ultimate co-operation of all political parties. In the name of the League, we tell Tories, Whigs, Radicals, Chartists, or by whatever other name politicians choose to call themselves, that they are all equally our friends if they oppose the Corn Law, and that we are equally the enemies of each and all who abet the imposition of a tax upon the bread of the people. 'Down with the Bread Tax!' must be the rallying cry at the hustings and the polling-booth. Ask not if a man call himself Conservative or Liberal. Will he vote against the Bread Tax? Will he assist in the suppression of the landlords' monopoly? Our rallying cry must henceforth be, down with the Bread Tax!' Nor should it ever be forgotten that all advocates of any duty, under whatever pretences, are the supporters of a Bread Tax, the friends of a selfish oligarchy, and the enemies of the honest and industrious millions live by their labour. 'Down with the Bread Tax!'" *A. C. L. C.* No. 31.

[The hon. Member quoted many other specimens, we must confine ourselves to this and the following]:—

"ALMANAC.—The Council of the League wish most respectfully and urgently to call the attention of the friends of repeal thoughout the kingdom to the opportunity which is now afforded for distributing information upon the subject of the Bread-tax in a cheap, durable, and popular manner. The sheet almanac, in particular, if suspended in a public room, or a large establishment of any kind, will be seen every day in the year; for, instead of being destroyed as other tracts are, it will be preserved for its intrinsic usefulness down to the end of its calendar. By placing an almanac judiciously in a public news-room, club-house, mechanics' institution, lyceum, public-house, barber's or blacksmith's shop, club-room, or any other place of public resort, any friend of the cause may have the satisfaction of advertising for an entire twelve months, for the small outlay of 3*d.*, all the leading facts connected with the subject of the food taxes."—*A. C. L. C.* No. 47.

I have been so fortunate as to procure a copy of this Almanac, and, as of old the festivals of saints were mentioned, so now, in these days of Puseyism, the calendar of the League is set forth. Thus we find the year opens auspiciously, because on the 3rd of January, 1802, was born the honourable C. P. Villiers, M.P. for Wolverhampton; on June 3, 1804, R. Cobden, M.P. for Stockport; John Bright, November 11, and however seven cities may contend for Homer, and Shakspear's early days be shrouded in some obscurity, posterity will be relieved from the torture of suspense as to the nativity of another poet, for it is now beyond all question that on the 17th of October, 1792, was born Dr. Bowring, M.P. for Bolton. In this Catholic cause all scruples are set at

naught, the 11th of November is proclaimed as a red letter day, since on it John Bright, M.P. first saw the light. [The hon. Member quoted the publications of the League at great length to trace its progress and opinions, the amount of its subscriptions, and the matters on which its funds had been expended; he referred to the various appeals it had made to the public, and the opposition or apathy it had encountered; to the lectures it had given, and to the prize essays it had published, and gave in conclusion this account of the sums it had raised, and its interference with elections.]

"Last year, amid many incredulous taunts, we asked for, and obtained from the public, the sum of 50,000*l.* The mere fact of our obtaining it struck cold on the heart of monopoly, and was felt as a presage that the end is at hand. The expenditure, consisting of the items that have been reported, and superintended by a council, the constitution of which makes all subscribers of 50*l.* and upwards its members, has not only proved satisfactory, but has brought us up to the point at which the great and decisive struggle is to be made. The outline has been described to you of our plan for the successful completion of this agitation, as we believe and hope no further appeal to the public for pecuniary aid, will, after the present, be necessary or possible. And for strength to strike our final and triumphant blow, we now ask, and ask in the confidence that it will be zealously contributed, the sum of 100,000*l.*"—*League*, No. 1.

But what can all this money be for; it is evident we are to have no account of it. It is of course impossible that one farthing can have been spent either in the general election, or in the elections since, but still these elections are events of too much importance to be passed over in utter silence. I shall, therefore, with many apologies to every Member of the House, except those connected with the League, conclude the autobiography of that confederation by tracing their solicitude for, and parental care of, our constituencies:—

"CONSTITUENCIES.—Let every repealer ascertain how his representative has voted on the Corn Law Question; and if he have either been absent without a pair, or present, but on the side of the adverse party, let him at once intimate to him that he cannot again have his support. This is the only way to carry repeal, and it is perfectly effectual. The Government will rather take up the question than be driven from power. We shall begin by doing our best to drive Byng out of Middlesex. A Liberal who votes or the Bread-tax, is, in our view, far worse than a Tory. Hobhouse shall be drummed out of Nottingham, to the tune of the "Rogue's March," as surely as we here give him warning. His excuse, that he expected an adjournment of the debate, is, we think, worse than the original offence. It exhibits a reckless disregard of his starving constituents which nothing can excuse. Never let repealers forget that they have victory in their own hands if they choose to sacrifice every other question to that of cheap bread."—*A. C. L. C.* No. 35.

"ELECTORAL AGITATION.—We alluded briefly in our last number to the visit which a deputation from the council of the National Anti-Corn Law League paid to the electors of Bolton. It gives us satisfaction now to be able to state that the result has been triumphantly successful. Thus encouraged, the council have taken steps for immediately paying visits to Warrington, Stockport, and Macclesfield; and without relaxing any of their other modes of agitation, they will make it their first duty to visit, in a similar manner, the electors of every borough in the manufacturing districts represented by bread-taxes."—*A. C. L. C.* No. 47.

"Why should not the electors of one borough for instance, Wolverhampton, send a deputation to commune with the constituency of a neighbouring place, as, for example, Dudley? The railroads and the penny post, afford nearly the same facilities now for one town to communicate with and visit another, as were formerly possessed for holding intercourse with each other by the inhabitants of large boroughs. The council of the League have made arrangements for paying visits to the electors of Macclesfield and Stockport, to be followed immediately by their soliciting interviews with the voters of Liverpool, Lancaster, and the other principal boroughs of the district. Too much importance cannot be attached to the efforts about to be made to secure a proper representation for the manufacturing boroughs."—*A. C. L. C*, No. 48.

And speaking of the Walsall election, on the 14th of January, 1841, the *modus operandi* is more fully described thus:—

"They have not set about their work by trying to elevate themselves to the rank of a political party, and make or unmake ministers. They made their first overture to the ministerial candidate. The Anti-Corn Law League consists of constituents: there is not one professional politician among its active members. The Anti-Corn Law League is of no party; it does not take upon it to set up candidates, except in cases of stringent necessity. Our policy is not to ask admission for ourselves into the legislature, but by our independent position to force from those who are ambitious of getting there the advocacy of our claims."—*A, C, L. C*, No. 51,

How much obliged ought we to be to those gentlemen who have overcome private scruples from public duty, and have coyly, as it were, permitted Stockport and Durham to immortalize themselves for ever. Perhaps, however, the speech of the hon. Member for Stockport, at Manchester, would illustrate the system more fully, he said:—

"FIRST—TO THE REGISTRATION OF PARLIAMENTARY ELECTORS.—The necessity of immediate attention to this portion of the plan will be evident to all, as the time for claims and objections is rapidly approaching. The first step should be to analyse the present register of electors, and to divide it into two classes—monopolists and anti-monopolists. The necessary means should then be taken to increase the number of the latter by the addition of every person who possesses the legal qualification. Every supporter of monopoly who does not possess the legal right to the franchise should be objected to.—*A. B. T. C.* No. 129.

"ENROLMENT OF MEMBERS OF THE LEAGUE. —"In drawing your attention to this portion of the plan, the Council recommend that a complete canvass of each town or district be made to procure the enrolment of members of the League, preserving the distinction between electors and non-electors, according to the printed forms issued by the Council; and every exertion should be made to induce a majority of the electors to enrol themselves members of 'the League.'"—*A. B. T. C.* No. 129.

"The next step must be to organise and render efficient that strength amongst the electors. Now, we have gone to work in this agitation with the full conviction that we may carry out the principles of free-trade with the present constitution of Parliament. You have heard that we intend to arrange in London a collection of all the registration lists as soon as they are published in December; we will have in a central office in London, every registration list in the United Kingdom. We will have a ledger, and a large one, too, and we will first of all record, in the very first page, the city of London, provided it returns Mr. Pattison—and if not, we'll have Manchester first. In this ledger we shall enter first, in due succession, each in a page, every borough that is perfectly safe in its representation for free-trade. There will be a second list—a second class—those boroughs that send Members to Parliament who are moderate monopolists, who have notions about differential duties and fixed duties; and we will have another class for those who are out-and-out monopolists. Well, we may tick off those boroughs that are safe; we go to work in the next place in those boroughs that are represented by moderate monopolists, to make them send free-traders, and we will urge upon them in particular to canvas the electors, and send up a majority of their signatures requiring their members to vote for Mr. Villiers's Motion at the beginning of next Session. We'll make a selection of so many boroughs as shall be sufficient to give us a majority in the House, and I take it that those boroughs will not require to have more than 300,000 electors, and upon those 300,000 electors we will begin our fire. We intend to visit them by deputation. If my Friend Bright takes one set, and I take another, we may get over a great many of them. We will take a room, and meet the electors by appointment there, without the co-operation of any local leaders, so as to excite no jealousy on either side. I was told by an old electioneerer in London, one who had dipped his fingers pretty deep into the system we are going to put down,—'You'll frighten them more than anything if you carry out that part of your plan of going down to see the electors.' It is the very thing we intend to do; and we'll do it ourselves, too."—*League*, No. 4.

"REFERRING TO RESULT OF SALISBURY ELECTION.—They have managed to replace one Tory and Anti-Free-Trader by another, in a city which, had they been allowed to choose, they would have selected as the very spot in England wherein to contend against a League Candidate—a city the most removed from manufacturing interests, feelings, and influence, the most independent of trade, the most apt, from the influences under which it has hitherto been compelled to act, to return such a candidate as Mr. Campbell. Yet with all this—and although the monopolists sent down professed bribers and hired prize-fighters, at once to corrupt and intimidate—yet Mr. Bouverie polled a much larger number than he did a few months ago."—*League*, No. 10.

"THE LEAGUE AND THE COMING ELECTIONS. —The League has come forward to offer its aid in purifying the constituencies. Its duties are both sanatory and educational, and in many cases it must have to deal with reluctant patients and refractory pupils."—*League*, No. 29.

It is impossible to treat this flippant sauciness with gravity. Here we see the League announcing itself as a schoolmaster and apothecary. Now, we have some of us been whipped in our time; more of us have been physicked; but none of us have liked either: and yet the League expects an enthusiastic welcome from all constituencies, when it proposes to meet them with a pill in one hand, and a rod in the other. The League announced its intention of interfering in all elections. This side of the House does not fear anything, as a party, from such interference, neither need it. It is the Whigs who should desire to be delivered

under any apprehension that the electors of this country, of whatever politics, will assert their right to the management of their own affairs, and will treat the League trying to intrude itself as folks are wont to treat a strange cur discovered in a larder. Salisbury, Wiltshire, Devizes, Woodstock, Exeter, Christchurch, Launceston, Buckingham, Hastings, Huntingdon, and above all, South Lancashire, that apple of your eye, that region where you boasted the "League was at home," have shown what a sorry welcome awaits itinerant demagogues. And for Kilmarnock I am glad, as a free-trader was to be returned, that my hon. Friend (Mr. Bouverie) was returned, for his own merits. You encumbered him with your help at Salisbury, and he was defeated. You did not dare to follow him across the border to the "pawky folk" of Kilmarnock, too "pawky" to submit to such interference, and there he prospered.

"KENDAL ELECTION AND SALISBURY.—(*Geo. Wilson at C. G. T.*)—At Kendal they have returned to Parliament a free-trader, Mr. Warburton, by a majority of 64 on a gross poll of 300. They have effectually put down all future attempts of the monopolists for the Kendal seat; and, at the next general election, we may fairly take it for granted that the men of Kendal, besides returning a free-trader of their own, will be able to lend us their aid towards extinguishing monopoly in other places. We have had another election at Salisbury, with a somewhat different result. Upon a gross poll of about 600, Mr. Bouverie, the free-trade candidate, has been defeated by a majority of 47. I regret deeply, as all our friends must who have had an opportunity of hearing Mr. Bouverie, the vacancy in the ranks of the free-traders in the House of Commons, occasioned for a shorter or longer time, by the result of this election."—*League*, No. 10.

"EDUCATE CONSTITUENCIES.—(*Walker at Bury.*)—We want to educate some of the constituencies. You know how large a sum it takes to educate your families—at least, those who have large families know that it is a great expense; how much more may it not be expected to cost, to educate some four or five hundred thousand electors. They are in great ignorance on the merits of this question, and must and ought to be educated."—*League*, No. 15.

I will read the letter of the right hon. Gentleman, the Member for Edinburgh, in December last, when the Anti-Corn-Law League summoned him:—

"MEETING AT EDINBURGH—LETTER FROM MR. MACAULAY.—*Albany, London, December* 23, 1843.——Dear Sir—I have often expressed my opinion on the subject of the Corn Laws, and am not aware that I have anything to add, to retract, or to explain. You will not, therefore, be surprised at my saying that I do not think it right to attend the meeting of the 11th January. "I am, &c.,

"D. M'Laren, Esq." T. B. MACAULAY."—*League*, No. 17.

Where an individual of the name of M'Laren is, it seems, to contest next time that city with a Gentleman who, whatever may be his politics, is an ornament to this House, and an honour to the city he represents. Here I bring my extracts to a conclusion. In toiling through the mass of materials from which I have drawn them, it has been painful to find how far men abandoned to bigotry of one object can forget what is due to themselves and to others; to those who went before, and to those who should come after them. But it has been a satisfaction to have another proof how much the English people will bear, unharmed, of all this clamour and disturbance. I have not quoted from one speech whose speaker is not or may not have been sitting opposite to me here; because I feel that it is in this House, face to face, man to man, that we may boldly tell each other of our duties, and of our faults; nothing but good can come of it; the reverse is the case when we excite men's passions on a question of most difficult calculation. You may please yourselves, and delude some others, by professing to be of no politics; but I know, that a few months since, not now, because you are decrepid, but a few months since, if I had wished to destroy the institutions of my country, your language and your proceedings would have pointed you out as the fittest instruments to serve my purpose. What ulterior objects you may have, it is not for me to inquire. You share too many of the characteristics of every other destructive organisation, for me to look upon you with any other eyes than those of dislike and suspicion. In common with them your plan is to teach the people to crave for perpetual excitements; in common with them, you denounce this House of Commons as not representing public opinion out of doors. In common with them, you are restless in endeavouring to array one class against another; in common with them, you are bitter and virulent in your abuse of the clergy and aristocracy; you share these characteristics of sedition with all confederations who have laboured for the

subversion of the Constitution as by law established, and where you differ from them there you exceed them—I mean in your impudent interference in elections, an interference whose insulting arrogance, whose impertinent presumption, has no precedent in the history of this country. Thus, with vast expenditure, considerable ability, energies unwearied, and perseverance unabating, you have toiled for six years, and where are you now? I firmly believe, the great mass of the people and especially the poor have less sympathy with you—less hope from you—than they had in 1839. No man can say how far he will go who joins those who are avowedly going to the utmost extremities. Nay, further, I say to the House, make allowances for my having brought the case as strongly as I possibly could—allow that during six years much of violence and much of folly may be excused, and then I say that enough still remains to make men very cautious how they join such a body, or lend themselves to its delusions. It has proceeded from the mere circulation of tracts and the employment of lecturers, to the convening of delegates, to the rejection of all petitioning to this House, and to an interference with elections, which, if it be not contrary to the letter of our law, is at least abhorrent to the spirit of our Constitution. Sir, I think the Government is right in refusing to re-open a discussion of this kind, and I give my hearty vote in opposition to the Member for Wolverhampton, not only because I am determined to stand by the great principle of protection to British agriculture, but because I desire to enter my strong protest against the selfish, and tyrannous, and narrow policy, dictated and acted on by the pernicious confederation, whose proceedings I have considered it my duty to place before this House and the country.

Captain *Layard* said, another opportunity was now given to the House to take under consideration a law which, in his opinion, was opposed to the best interests of the people, and in direct opposition to the principles of humanity and justice. And although there could be no doubt that upon this occasion Her Majesty's Ministers would command an overwhelming majority, by which the Motion brought forward by the hon. Member for Wolverhampton would be defeated, yet he (Captain Layard) believed such a vote would not express the feeling of the majority of the people, who believed, that as the present Corn Law stood, the interest of the many were sacrificed for the benefit of the few. It was, he believed, the opinion out of doors, that the tower of strength which the landed interest prided themselves on in that House, was only a landlord's interest, and that, not being founded on the rock of justice, would be finally overwhelmed by the tide of public opinion which had set in so steadily against it, and by which it had been already undermined. It was not only the injustice of this law in itself that the people complained of, not only the evil consequences attendant on depriving the people of cheap food, the restriction it put upon manufactures, and the feeling of distrust which it engendered between the higher and lower classes, but other bad measures which it had entailed; for no one could doubt that it was for the Corn Law, and that alone, that the Government had prevailed upon the House to act in the unworthy manner it did upon the Factory Bill, a manner in his (Captain Layard's) opinion totally unworthy of the high respect in which that House ought to be looked upon by the country, and which respect it never would obtain if, as upon the late occasions, it were willing to barter away its honour and consistency for any party purposes whatever. It was a common thing to speak of the superiority of this country to all others in her laws and institutions, but for his part, he thought, as long as this law in its present state disgraced the Statute Book, this boast was empty and vain. When in China, some years ago, he was fortunate enough to become acquainted with some of the Hong merchants; one of them was a clever, intelligent person, with whom he often used to converse upon the different manners and customs of their respective countries. He (Captain Layard) told his Chinese friend how barbarous, cruel, and contrary to the dictates of common sense, the custom appeared to be which the Chinese had of bandaging the feet of their female children, and from which cruel operation he supposed many must die. The Hong merchant said the custom was cruel, many hundred children died from mortification, but that a great many old women made a trade of it, and that the public good thus suffered for private advantage. But supposing the Hong merchant had said he had heard that we had a law by which our

people were deprived of a sufficient supply of food, by which, being one of the greatest manufacturing countries, our trade was restricted—supposing he had said, true it is we put our women on short slippers, but you put your people on short commons; we do this for the advantage of some of our old women, and you make your law for the advantage of the country gentlemen; and if our children, many of them, die from mortification, brought on by the operation, many of yours die from disease brought on from want of proper nourishment—what could he have said to show that we were more enlightened than they were? At that time, indeed, he could not say that they were on a par with the Chinese; for he then had not heard the celebrated speech of the right hon. Baronet the Paymaster of the Forces, that the Corn Law must be maintained for the dower of young ladies, and the jointures of the old, and which, though an argument that would not have very great weight in this country, would at that time have done pretty well for the Chinese, as being the one they used in favour of their own barbarous customs. He trusted, that amongst the right hon. Baronet's many virtues, gratitude would not be found wanting; for the very man, with others of his party, whom the right hon. Baronet had charged with throwing out hints for his assassination, had come forward upon a late occasion, though certainly in his opinion, without a shadow of reason for reason for so doing, and had, by such assistance, saved for a time the right hon. Baronet's political existence. The right hon. Baronet had, in the late skirmish, lost a brace of great guns belonging to his party, but as they had been pretty well used up, perhaps the right hon. Baronet did not think them of much consequence. He alluded to the hon. Member for Knaresborough, and the hon. Member for Shrewsbury. The hon. Member for Knaresborough was at first considered a great gun by his party, and the unmeasured fire he kept up on the manufactures was hailed with delight by Gentlemen on his side of the House, but the subsequent shots being a little better understood, and their value more properly appreciated, the hon. Member for Knaresborough thought it no bad thing to fire his shot right and left amongst his own party, and more especially upon the right hon. Baronet, the Secretary for the Home Department, upon which the right hon. Baronet thought it necessary to call Mr. Mott to his assistance, who rushed in to stop the vent of this great gun, which having done in a very clumsy manner, it burst, and certainly damaged all those who had anything to do with it. The hon. Member for Shrewsbury might, in his opinion, be compared to a clock which went pretty regularly for some time, but not having been oiled, at length began to go rather irregularly. The hands at one time were supposed—the clock having gone for three hours, not only by Shrewsbury time, but by the clock of the House of Commons, in a dull monotonous tick, without stopping, upon foreign policy—to point to some diplomatic appointment abroad. But the right hon. Baronet, knowing the maker too well, knowing that it was no tried chronometer, would have nothing to do with it. It had been hinted that the Shrewsbury clock, though it had not yet aspired to be the clock at the Horse Guards, by which all the other clocks are regulated, had certainly been disappointed at not being the clock at the Admiralty, where time does not require to be so exactly kept; at last it became quite irregular, no longer chiming in with the right hon. Baronet. He attacked him for taking the liberty of talking about the Gentleman who gave notice to the public that on a certain day he would squeeze himself into a quart bottle. The hon. Member for Shrewsbury being, no doubt, perfectly, aware how unpleasant a situation it was to try to squeeze one's self into any place, however small, and not to be able to effect it, this, no doubt, was what made the hon. Member take the part of the Bottle Imp against the right hon. Baronet—

"A fellow feeling makes us wondrous kind."

But now the right hon. Baronet and the President of the Board of Trade might boldly come forward upon free-trade principles, seeing how little they had suffered from the loss of such artillery, and having a just idea of the gathering that could be got together, even if the hon. Member for Shrewsbury should, speaking with a little more animation than that with which he generally favoured the House, raise his war cry of "To your tents, O Israel!" Certainly it was astounding to find the hon. Members for Knaresborough and Shrewsbury in opposition; and the hon.

Members for Stockport and Durham supporting the Ministry; but however singular, such had been the case. He supposed the noble Lord the Secretary for the Colonies would support a fixed duty, having done so in his Canadian Corn Bill. If the noble Lord would not, they had only to suppose that he had no reason for acting as he had done, except that, following the bad example, instead of learning from the history of Jephtha, and having made rash promises and unwise vows at the end, it might be called the twilight, of one Session of Parliament, he was determined that the House should pay the sacrifice, and which with a due obedience to the powers that be, they very good naturedly performed. And at any rate the noble Lord ought to agree to an inquiry into the law, when he had a fixed duty there, and a sliding scale here. Some short time ago he, being at the Opera, had the pleasure of seeing the right hon. Baronet at the head of Her Majesty's Government taking some relaxation, which he well earned, from the fatigues and toils of office. And it struck him that the beautiful ballet of *Ondine*, which was then being performed, was a fair representation of what was passing in the mind of the right hon. Baronet with regard to this subject. The graceful Cerito seemed a fair and lovely representation of free-trade, flitting and dancing as it continually is before the mental vision of the right hon. Baronet. And when the *Ondine*, in her moonlight flitting across the stage, is startled and alarmed at her own shadow, how just a representation, though certainly a more elegant one, of what happened to the right hon. Baronet, when he, coming out of the shade, first ventured to broach free-trade principles! How he started back, not indeed so gracefully as the fair Cerito, when he saw, not indeed his own shadow, but the shade which came over the mournful countenances of the agricultural Members! For his part, he trusted and believed that the right hon. Baronet would give up coquetting, after the manner of Cerito, with the shadow, and that becoming completely enamoured, when he opened his arms to embrace it, it would be found he had clasped the reality and not the shadow of free-trade. The right hon. Baronet had told his party that he should go on in his own line of policy, that he would not go back. Could any man believe he could stand still?

" Why, not to retrograde is to advance,
And men must learn to walk before they dance."

For his part, he would rather have a small fixed duty, thinking it a fair source of revenue, and believing, as he did, that the people did not complain of any taxation which was legitimate and for the good of the country, and thinking that it would be a fair compromise between both parties. But as there seemed no hope of a measure so greatly to be desired, he should give his vote in favour of the Motion of the hon. Member for Wolverhampton trusting

" The time would come when, free as seas or wind,
Unbounded Thames would flow for all mankind;
Whole nations enter with each swelling tide,
And seas but join the regions they divide."

Colonel *Rushbrooke* was anxious to state to the House the real condition of the county which he had the honour to represent. It had been stated, in one of the daily journals, that the labouring population of Suffolk were at this moment suffering great distress and privations. Now, he believed the contrary to be the case, and he could assure the House that the poorer classes in Suffolk had never been so well fed or so well clothed as they were at the present time; and he was confident, that any hon. Gentleman who might be acquainted with the county, must have read with much surprise the accounts which had appeared in some of the articles in *The Times*. The hon. and gallant Member read a Protest signed by the inhabitants of a district of Suffolk against the accuracy of the statements made by *The Times'* correspondent, with respect to the condition of the poor in that county. He was astonished at the lame, crude, and impotent conclusions to which *The Times'* correspondent had arrived. At Bury St. Edmunds, he understood that Gentleman had asked to be allowed to visit the Union-house, expecting of course to find hearty able-bodied labourers amongst the inmates. That Gentleman also asked, as he was informed, to be shown the ward in which the able-bodied men resided, and the reply he received was, that there was no such ward in the Union. He then went from ward to ward, and could find no able-bodied pauper; he only saw a few aged and infirm inmates, and the boys of the work-

house, who were amusing themselves with fife and drum. That Gentleman had stated there was an increase in the number of prisoners committed to the gaols in Suffolk since the New Poor Law had been in operation: he begged to inform the House, that, during the six years previous to the New Poor Law coming into operation, the commitments in Suffolk amounted to 5,231, and in the six subsequent years the number of commitments was 4,193, making a decrease of 1,038. *The Times'* correspondent had attributed the incendiary fires in Suffolk to the destitution existing in the county, he (Colonel Rushbrook) declared that there was no county in England, in which more care was bestowed on the poor or more attention paid to the necessities, the wants, and the interests, of the poor. In Suffolk there were to be found hospitals for the sick, savings-banks, benefit societies, and national schools. The allotment system, too, had been established in the county. In periods of distress the farmers were accustomed to give piece work of various kinds, and even the women and children were employed in assisting the different operations of the men. At the agricultural meetings in the county a praiseworthy encouragement was given to the labourer by the distribution of prizes; and there were examples of men who brought up large families on wages which were described as very scanty without receiving the slightest assistance from the parish of any kind or sort whatever. He could assure hon. Gentlemen that the aspect of the labourers of the county generally gave a flat denial to the statement that as a body they were a discontented people. Almost universally they were, he believed, most contented, and if measures of this sort were not agitated to disturb their peace of mind, it was his belief that they would continue contented.

Lord *Rendlesham* denied that to the Corn Law was to be attributed all those evils which hon. Gentlemen opposite charged upon it. The tenant farmer and the poor man had as much interest in the Corn Law as any landlord in England. The League seemed to think there was but one party to the letting of a farm; he could assure them that such was not the case, and that the landlord, like the manufacturer, got no more for his commodity —viz., his land, than its fair market value. Suppose a farmer rented 100 acres of land, with wheat at 80*s.* a quarter, and his return was 300*l.* a year. That would in his part of the county (Suffolk) be divided into three rents—100*l.* for the landlord 100*l.* for the farmer and 100*l.* to be spent in wages and the proper cultivation of the farm. Then suppose the price of wheat to be reduced to 40*s.* by the abolition of the protection now enjoyed by the farmer, no doubt his rent would be reduced cent. per cent.: but in the same ratio would the farmer's profit be reduced, as well as the money to be spent in wages. If the farmers in this country were compelled to bring down the price of corn to the continental level, they must have the continental system introduced. The landlords must become farmers of their own property—they must subdivide the land as in France, and then away would go the tenant farmer as a class, and, in a few years, the race of sturdy yeomen, the pride of England, would become as little known here as on the Continent. Then, to consider the question in relation to the poor man, about whom so much was said in that House, and for whom so little was done. At the same time that hon. Gentlemen opposite would reduce the price of his loaf, they would in a much greater degree reduce his means of purchasing it. In the three years, 1811, 1812, and 1813, when wheat was at 114*s*, 3*d.* a quarter, the labourer obtained 3*s.* 6*d.* a day, while in 1832, 1833, and 1834, when wheat was 43*s.* 4*d.* wages were reduced to 1*s.* 3*d.*, greatly to the detriment of the labourer. He might be told that the factory labourer and the artizan would be benefited by the repeal of the Corn Law, but how could that be when the avowed purpose of those who were most clamorous for the measure, was by obtaining it to reduce wages [" No, no."] That had been distinctly avowed by the hon. Member for Durham in a speech at the Chamber of Commerce at Manchester, in January 1843. The same admission was made by the hon. Mover of the Motion before the House (Mr. Villiers) himself—[Mr. *Villiers*: Where?] It was reported that he had said so in that House. [Mr. *Villiers*: Such language never fell from me.] He had the newspaper in his pocket; but as it was denied he would say no more upon the matter. But he could not be mistaken in what fell from the hon. Member for Birmingham, as honest a man as was in the House. That hon. Member distinctly stated that the

effect of the repeal of the Corn Laws must necessarily be a reduction of wages. If such were not the intention of hon. Gentlemen opposite, how did they propose, to compete with the foreign manufacturer, who had cheap labour at his command? It was said that the Corn Laws had been detrimental to the commerce of the country. He confessed he was surprised to hear such a statement from hon. Gentlemen who were well aware of how greatly our commerce had increased since 1815, and who boasted that the profits of commerce since the peace would buy up the fee simple of the whole of the land in the country. Hon. Gentlemen argued as if they were certain that the repeal of the Corn Laws would greatly extend our foreign markets. He doubted whether it would, as foreign countries, seeing how well our restrictive system had worked, had, and were now, imposing high duties upon the importation of our manufactures for the purpose of protecting their own manufactures. But suppose that our foreign markets should be extended a little, did hon. Gentlemen believe, that when the landlord and the farmer were alike deprived of half their income, the home market would remain as good as it was now? If they did, they would find themselves much deceived,—they would lose their best customers. He hoped the right hon. Baronet at the head of the Government would take the opportunity of that discussion, and boldly state to the House that he was prepared to maintain that system of protection under which the country had so long prospered.

Mr. *Ward* said: Sir, I had no intention of troubling the House at all on this subject; my opinions in reference to it are so well known that it would be almost useless to do so. But the noble Lord has given a fair challenge to every man at all acquainted with the agricultural interest, and I shall not shrink from accepting it. In the first place, I think we ought to express our obligations to the noble Lord for having brought this debate back to something like reasonable grounds. To spend two hours in reviewing everything, which has been said, and done, by the Anti-Corn-Law League as has been done to-night I cannot but regard as a mode of evading the question, a waste of the time which ought to be devoted to it, if we mean to enter upon it honestly, and an attempt to divert attention from that which should be the main topic of discussion, namely, the bearing of the Corn-Laws on the public interest. If the hon. Member for Northamptonshire had said twelve months ago, "We the landowners of England, regard this Anti-Corn-Law League as an unconstitutional body, and refuse, as such, to meet it in discussion upon the merit of its propositions,"—why that would have been some excuse for the attack which he has entered into; but for a Gentleman, who occupies at this moment the honourable situation of President of the Publishing Committee of the Pro-Corn-Law Association to come forward and pass in review the acts of a body, whose conduct that Association is copying in the minutest particular—except in that most important particular, the great talent which the League has brought to bear upon the question to which it has devoted itself,—this does appear to be a most extraordinary course. I must say that anything so perfectly milk-and-water as the publications which have been issued by the Pro-Corn-Law League—anything presenting a greater contrast, in point of ability, to those of its prototype, the Anti-Corn-Law League,—I cannot possibly conceive. But, I say, the hon. Member for Northamptonshire threw away his argument before he entered upon it this evening; and he is now following, with others, the proceedings of those very persons whom he holds up to censure. Now, we are indebted to the noble Lord opposite for having brought this question back to the real point at issue; and if I could believe with him that there was a sort of sliding-scale established between the price of corn, and rent, and wages—if I could believe that, when wheat is at 80*s.*, a farmer pays double the amount of wages that he does when it is at 40*s.*, and that when it is at 40*s.* his own rent falls in proportion, I should admit then that there was some force in his argument. But the wages of labour seldom alter, and as to rent, when have we heard of anything but a miserable abatement of 5 or 10 per cent. returned to the tenant, while, as the noble Lord himself says, the value of his produce has fallen in many instances from 80*s.*, which the law promised, to 43*s.* and even to 36*s.*? The complaint, which we make against this law is, that there is nothing like certainty for anybody; that you take your land upon a supposition which Parliament holds out, but which Parliament has never yet had, and never will have, the power of realizing.

Parliament promised, in 1815, 80*s.* a quarter for wheat, and in six months afterwards the price was 46*s.* The right hon. Baronet nimself promised last year a minimum of 56*s.* [No, no]. Well, he gave a virtual promise, and it was so understood by the country, and so received by all his adherents. There is not a man amongst them who does not let his land on the supposition that he may realize 56*s.* a quarter for corn, and who does not tell his tenants at his rent dinner, "Why, this is the hope held out to us by the head of Her Majesty's Government." It will not do therefore, for the right hon. Baronet to come here and say that he has never promised anything of the kind. I say it was believed everywhere throughout the country, and it is upon the faith of it that every arrangement has been made since the Corn Laws were changed. Well, now, the noble Lord complains that so much is said out of this House about the poor man, and that so little is done for him. God knows that is true enough; and I should—if I had the happiness of seeing any of them present, but they are all shrinking from this discussion—I should remind those Gentlemen, who were filled so recently with sympathy for the poor, and who expressed such hopes of making this House a benefactor to the working population of the country, of the sentiments which they uttered in recent debates when indulging in a cheap humanity at other persons' expense. Why are they not here to-night? Why is there not a man amongst them who is ready to say, "I am willing to incur some little risk, to expose myself to something like a chance of the lowering of the value of my land, to benefit those classes whose claim upon us I have so strenuously urged?" Where is the noble Lord the Member for Dorsetshire? Where is the whole of that Young England party who are so active here? Why, there sits the solitary representative of it, (pointing to Mr. Peter Borthwick), who has the peculiar distinction of being the only man in this House, who ventured to second the resolutions brought forward by his hon. Friend the Member for Knaresborough. And really I must do that hon. Gentleman the justice to say, that I never saw a man dragged more reluctantly into any affair of this kind in my life. It is most creditable to the House to find that, in the whole course of this debate, not the slightest allusion has been made to the Amendment of the hon. Member for Knaresborough, except that made by the right hon. Gentleman the President of the Board of Trade, who pledged himself distinctly to prove, whenever that was moved as a substantive proposition, that for any one man in this country who could be shown to have lost employment, or to have been injured, by the operation of machinery, he would produce 100 families who were living in comparative comfort by it. Now, I think this is a very creditable position for the House to have taken on this question. But as to all those Gentlemen, of whom we heard so much in the Factory debates—who, while dealing with other people's property, held such large language about the interests of the working classes, and the absolute necessity of rescuing them from the state of degradation and distress into which they have fallen—what is become of them? Are they all grown sober like the hon. Member for Nottinghamshire? Have they all had time to become ashamed of their own propositions? That is the only construction which we can put upon their conduct. I ventured to say in the late debates, that while I had the unpleasant duty to perform of opposing a measure which was decidedly popular with the working classes—which held out to them a hope of relief that I thought could never be realised—I was prepared to support any measure, which would contribute effectually to an amended condition of the working classes, even at some risk, as others think, though I do not think it, to myself. But, with respect to those Gentlemen who, having been defeated in their own project, do not dare to discuss this question of the Corn Laws—who, having failed in enforcing their own crude theories as to diminishing the duration of labour in this country, do not dare to meddle with the great question of the people's food—why, I must say I can conceive nothing more unhappy, I had almost said more contemptible than the position which they will henceforward occupy in public opinion. Now, the noble Lord says, that the rate of wages is always regulated by the price of corn. Really that proposition is so utterly untenable that it is surprising that any one could be found to state it in an assembly of thinking men. What is the difference in his own County between the rate of wages in 1836 and in 1843? [Lord *Rendlesham*: Between 1836 and 1843 there is a difference of about 2*s.* a-week.] This may be the case in particular parishes, from local circumstances; but, generally speaking, I venture to say that no corressponding rise whatever has taken place

in the agricultural counties in the dear years, above the cheap years. In many Counties the rate of wages now is lower than it was five years ago, absolutely lower. This is not, I am aware, the fault of the farmers; I do not say they are responsible for it. They do not regulate the rate of wages; but there are more people out of employment—more people pressing on them for work—and the consequence is, that there is less money to be divided amongst them. I do not here allude to that peculiar custom which seems to prevail in the county of Suffolk, and against which, as a supporter of the New Poor Law, I beg to enter my protest—a custom subjoining or superadding another test to the test created by the Poor Law to qualify a man for receiving relief out of the rates. When I voted for that law, I considered that the sole condition upon which relief was to be administered henceforwards, was the submission of the applicant to the Workhouse test; that, if a man were so depressed by circumstances as to give up the hope of supporting himself independently, and were to apply at the workhouse for relief, that was a sufficient test both of his wants and his right. I appeal to the right hon. Baronet the Secretary for the Home Department to say, whether that was not the general feeling of the House in 1832. Yet, such is the additional stringency given to this law by the Board of Guardians in Suffolk, that they require an actual certificate from the ratepayers of the district that the man cannot find work amongst them before they will admit him into the Union-workhouse. ["No, no."] The practice is almost general there at the present moment. They actually require in many of the Suffolk Unions a certificate from every farmer in the parish that they have no work to give the applicant, before they will grant him any relief. What is the consequence? The poor man becomes the slave of others. When a young man goes round to look for work, a farmer may say to him, "I will give you work at 4*s.* or 5*s.* a-week; I will not give you 7*s.* or 8*s.* which you ought to have;" and then, if he refuses to accept the offer, he is not able to obtain his certificate, enabling him to obtain relief at the workhouse. If that practice is general in Suffolk, I think it accounts very much for the lamentable state of things in that county. Well, then, the noble Lord said that this Corn Law is not detrimental to commerce. Now, that is another of those daring assertions which you only make in this House because it is a packed jury. [Hear, hear.] You are sitting amongst a number of persons who applaud all these extraordinary allegations when they come from one of their own clique, from one of the party who have a pecuniary interest in this question, and who have a monopoly of power; I admit your power, though I altogether deny your justice. It is one of those allegations which no person would venture to make except in this House which is just the last place where it ought to be made. Everything which has been done as regards our commercial relations with foreign countries; the correspondence of the noble Lord the Secretary for Foreign Affairs with Prussia, published recently; everything, in fact, shows the practical difficulty which every Government has to contend with, when it attempts to extend the trade of the country, because the Corn Laws stand in the way of every rational proposition for widening the field of our commercial enterprise. Why, there is not a landowner in this House, who, if he could get rid of the supposition that the Corn Laws are essential to his own interest, would not join with us on the subject of free-trade. It would be his interest to do so, clearly and distinctly his interest. What interest has he in paying double the proper price for sugar? Why, he consents to it because the sugar protection is connected in his mind with the protection of corn. He stands by the West-Indians on the supposition that the West-Indians will stand by him; and so you go on, link by link, till the whole community is injured by a combination of private interests in commercial matters, which ought never to have been heard of in a British Parliament. You ought to look more at the general interest of all classes. You have no business to begin at home. You have no business to lay down your abstract principles, as the right hon. Gentleman the President of the Board of Trade did last night, telling us that he regarded dear bread as the greatest of public calamities, while in the same breath—almost in the same sentence—he added, that he looked upon the admission of 160,000 quarters of corn, during the first six months of the present year, at a duty of 17*s.* a quarter, as a proof of the admirable working of the present Corn Law. The right hon. Gentleman's practice is the very counterpart of his theories. The right hon. Gentleman, too, at the head of the Government lays down abstract principles in the most satisfactory manner. We should be too

happy to have the right hon. Baronet as our leader if he would only do half what he admits that he ought to do; if he would only work out one tithe of his own theory he would be the leading man in this country in the application of free-trade principles. I should, myself, prefer him ten thousand times over to my noble Friend the Member for the City of London; because there he (Lord J. Russell) stands with a sort of dogged pertinacity, the type, in this House, of a fixed duty, which no one wants. He says to his opponents, "Whenever you quarrell with the right hon. Baronet — whenever you have a lover's quarrel with him, like that which you had the other day, which I am sorry that you so soon made up—whenever you, come again to that position—here is a fixed duty for you, in return for your support. I adhere to the great principle of a fixed duty; I do not say what it should be, mind —we will talk about that when it comes to the point—but I adhere to the principle of a fixed duty. The right hon. Baronet adheres to no principle at all; but here am I the representative of the principle of a fixed duty, and, when you want to come to a compromise on this subject, you will find me a very convenient person." Now, I do not say that if the worst comes to the worst, a fixed duty would not be preferable to the sliding-scale; but if the right hon. Baronet would only give me some hope that a day would come when he would really part company with the drag-chains that hang around him on that side of the House, and set about working out a portion of those large, and comprehensive theories, which he has had the merit of putting before the country, in the clearest and most convincing language, no man in this House would be more glad to follow him than I should. The right hon. Baronet makes so good a case out of a very bad one, that if, besides putting forth good principles, he would combine them with practice, I am quite sure that his reasoning would be irresistible, and I should feel both pride and pleasure in following him as a leader. I saw with great regret, however, that the right hon. Baronet displayed an inclination to-night to make a high bid for an accommodation with the Gentlemen, who sit round him; or at least with the hon. Members for Wiltshire, Dorsetshire, and Winchester. There was a most marked, and significant cheer given by the right hon. Baronet, when those hon. Members said, "We are disposed now to depend on the Government; we did not rely upon them much before, it is true; but still, after the manly and straightforward speech of the right hon. Gentleman the President of the Board of Trade (not remarkable, by the way, for straightforwardness in his speeches), we are disposed to believe that the new compact entered into by the Government will be held sacred." One hon. Member said, he really placed implicit confidence in the right hon. Baronet; he would not be put off by the invidious hint thrown out by the hon. Member for Manchester; he said, "I really believe that the right hon. Baronet intends to give this law a full and fair trial." Well, the right hon. Baronet (Sir Robert Peel) cheered this most vociferously; he actually got excited on the subject; he cheered what was said in a manner which I did not expect—having seldom seen the right hon. Baronet manifest much interest in what passed in this House—but so important did he consider this patched up accommodation with a large body of his supporters, that he put himself out of his ordinarily equable course in this House to cheer most vociferously the appeal which was made to him. Now, I wish to ask the right hon. Baronet what he considers a fair trial? Is it one, two, three, four, or ten years? You must expect great vicissitudes. Why, I very much doubt whether we should yesterday have had the pleasure of hearing the speech of the President of the Board of Trade had it not been for that timely shower which came to resuscitate the hopes of the agriculturists. But what, I ask, is a fair trial of this indefensible system? How are we to meet bad harvests, I want to know, for one, two, or three years? How long is this country to endure suffering and misery before the right hon. Baronet will be placed in such a position as to be able, with a decent regard to consistency and to past professions, to part company with his followers, and say to them, very amicably, "You really do not know your own interests; I am a better judge of them than yourselves; and you may take my word for it that the time is come when it is absolutely impossible any longer to resist the demand for a change in the Corn laws." I know that we have to labour under the greatest possible disadvantage at this moment in arguing with gentlemen who never listen to anything but great practical grievances. When I pointed out last year that 10,000 persons had been actually thrown as paupers upon the parish

of Sheffield, who were all earning good wages three years previously; when I said that the Corn Law was consigning them to irremediable poverty, while Manchester, Paisley, Stockport, and other towns were sending forth their remonstrances against the same law; and when the right hon. Baronet himself acknowledged that the greatest possible evils under which the people of this country suffered were those which arose from a period of commercial depression—that was the time for discussing the Corn Laws. The right hon. Baronet could not bear the idea of such distress. It affected him, I believe, as much as any one. Hon. Gentlemen were not then disposed to take high ground. They then saw that such a course might be attended with serious dangers; they saw that the aristocracy of this country had much at stake independently of the Corn Laws, that many other things would remain after those laws were repealed, and they were disposed to make some sacrifices. But now, under the idea that there is some hope of keeping down popular discontent they are assuming quite a different tone. I repeat, therefore, that we are arguing under the greatest possible disadvantage, but still I come back to the same point. I ask the right hon. Baronet what he means by a fair trial of this law? I ask him whether England, the greatest commercial country in the world, is to be governed by a principle which depends on the weather-glass—by a scale which rises and falls with the barometer at a particular season of the year? I ask him whether the food of the people is to be made the subject of the most unprincipled competition amongst the landlords, without any advantage to any other class, while the system is, in a great measure, repudiated by the tenantry of the country. [*Cries of* "No, no."] You say not. Now, I distinctly meet you on that ground. I say that in every step which has been taken by the Pro-Corn-Law League the landlords are the persons who have put their shoulders to the wheel. The landlords are the persons who have coerced the tenantry; and the landlords have paid every shilling of the expense which has been incurred. There has not been a subscription in any part of the country which, *bonâ fide*, has not been headed by landlords. In the first association which was formed, Mr. Tower, of Essex, had the honour of putting down his name for 50*l*. We all know the sort of machinery which carried the last election. In every one of the counties the squirearchy and the church were found in holy alliance for the protection of agriculture. As many letters have been written by landlords to their tenants to induce them to take part in these meetings as were written to induce them to take the part they did in the last election. Never was there anything so bolstered up and so factitious as the whole appearance of Pro-Corn-Law enthusiasm. I am perfectly certain that, if at this moment there were, from any overruling circumstances, a change of opinion in this House; if gentlemen were to say to their tenants, "We are prepared to meet you on fair terms; you have not the interest which you fancy you have in these laws; and we are quite ready to enter upon the question of leases with you, with a view to an alteration; we are quite prepared to provide against that confusion of existing interests;" for I will not mince the matter—I know there must be a confusion of existing interests, for a certain period; —"we are quite willing to assist you for two or three years after your protection is withdrawn, and we will then let you hold your land on terms which will be advantageous to all parties," I venture to affirm that there is not a tenant-farmer in this country who would not gladly close with his landlord on such terms. I say, then, that the question being one in the settlement of which not merely the landlords but the whole population of this country have a direct interest, and one which has so close a connexion with the discontent of large classes of the community, it would be a much wiser, a much more honourable, a much more straightforward, and a much more profitable course for hon. Gentlemen opposite to grapple with it manfully, instead of staving off the evil hour, as they will do to-night, by a large majority of votes, without convincing any human being that they have one single argument in their justification.

Sir *J. Trollope* as a Member of one of the agricultural societies to which the hon. Member opposite had referred, rose to deny in the most positive terms the imputations thrown upon the landlords with respect to the origin of those associations. The hon. Member had asserted that the societies in question had copied the Corn Law League in all respects save in the display of talent; now, he had no wish to claim that attribute on behalf of the protective meetings, but what he would assert was, that they had not copied the

example of the League in endeavouring to influence the elections of Members of that House, nor should he for one have ever given his countenance to the society with which he was connected, if he had not been sure that its proceedings would in no respect interfere with the exercise of the elective franchise in the county of Lincoln. The hon. Member had also said, that the societies formed for the protection of the agricultural interests were repudiated by the tenantry, who had been stimulated to join them by their landlords. ["No, no."] Hon. Gentlemen might cry "No, no," but he had taken down the words of the hon. Member for Sheffield, and that was their exact purport. Now, let him ask who it was formed the societies in question, if it was not the great body of tenantry throughout the country? They called upon the landlords to come forward and place themselves at their head, in order to stem the tide of agitation, and to protect them from the ruinous consequences of a forcible abolition of the present system. The origin of the agricultural protective associations was self-defence, that of the Anti-Corn-Law League was aggression, and aggression of the most violent description. All that the landlords and farmers desired was to stand upon the present protective system as regarded themselves. Yes; and the hon. Gentlemen opposite had taught the agricultural classes to feel, to know their own strength, of which, now they had once ascertained the greatness, they did not intend to lose sight. The hon. Member had asserted that the leases and the agreements actually in operation respecting rents were based on the assurance that the farmer would receive 56*s.* a quarter for his corn under the existing Corn Law. Did the hon. Member mean to imply that there had been any intimation given of the certainty of such a result, or that there were any such leases in existence, because if so, he must inform the hon. Member that in the county with which he was connected there were no leases whatever, and that notwithstanding the tenancies throughout the whole district were tenancies at will, better prices were paid for tillage, and the labourers and farmers were in more comfortable circumstances, than in counties where leases were granted. The vast tracts of waste land and wood, recovered and brought into tillage in Lincolnshire enabled the farmers there to give good wages, and of late labour had been so abundant that numbers of the Irish peasantry had been constantly employed. He would have called on the hon. Member for Suffolk had he been in his place, to consider the question how many of the fires which had recently taken place in that county originated in the wretchedly low state of wages there, and what amount of encouragement to these acts of wickedness was not afforded by the consequent discontent of the working classes? There were no such acts of incendiarism to be observed in Lincolnshire. Neither did the farm labourers emigrate wholesale with their families into the manufacturing districts from want of employ. In the year 1836 attempts were made to entice the Lincolnshire labourers into the neighbouring manufacturing towns, and they were told that there was employment sufficient for their wives and children as well. The children, indeed, would have suited the views of these persons better than the ruddy-faced peasant, but the offers were withstood, and, notwithstanding the Poor Law Commissioners gave encouragement to those offers, they were rejected, and did not tempt the labourers to quit their fields, whilst, on the other hand, the landlords gave them throughout the whole of that year (1836) a sufficiency of wages to maintain themselves at the then existing prices. He would again say to the landlords and farmers of Suffolk—employ the labouring classes, pay them an adequate price for their labour, and they might depend upon it they would hear no more of incendiarism or other similar crimes; nor would the nation have the painful alternative of listening to denunciations and to threats of reviving the severity of the penal laws in order to check those crimes. He had been led away from the topic which had called him up, that, namely, of refuting the hon. Member's assertions respecting the origin of the agricultural protective societies, which he would find to be not only legal, and constitutional, but also based upon rational principles. He had presented many petitions, having for their object a continuance of the present protective system, and those petitions were signed most numerously by labourers as well in the towns as in the rural districts of his county, and who moreover were just as much the customers of the manufacturers as any other classes, and as much entitled to consideration as the other

branches of occupation and trade. If protection was deemed requisite towards some of the great productive bodies, why should it be denied to others? And let him remind hon. Members opposite, that if it were to be refused to the agriculturists it would only be just to take off all restrictions upon their productiveness; and in that case the rich looms of Lincolnshire would produce a better supply of the filthy weed, and at a cheaper rate, than those who were addicted to its use could now procure it at; but then, in that case, what would become of the revenue raised by the Customs and Excise duties upon tobacco? Beetroot, likewise, might be grown to any extent, and the manufacture of sugar carried on upon a scale calculated to supply that article of consumption in great quantities; but what would become of the Sugar Duties in that case? or of the colonists, with whom he must avow he had a most cordial sympathy? If the views entertained by the hon. Member opposite were to be carried into operation, and the protection now afforded by the Corn Laws to agricultural produce was to be taken away, the landlords would be the last persons who would suffer by the change; for the farm labourers would flow into the manufacturing districts as land went out of cultivation; and the consequences upon the price of operative labour would be such as he should not at that moment attempt to describe.

Mr. *Milner Gibson* said:—Sir, I think that, in going into an investigation of the mode in which these two societies have been formed, viz., the society for maintaining the Corn Laws, and the society for abolishing the Corn Laws, we have been led from the real question, which is—what is the benefit supposed to be conferred upon the community by the Corn Laws? The Corn Laws are a direct interference with the freedom of trade, the freedom of industry, and the freedom which a man may fairly claim to exercise; and it is incumbent on those who defend this interference to prove to the community the advantages conferred upon it by restriction. An hon. Gentleman opposite, in reply to my hon. Friend, said, he was quite mistaken as to the origin of the Pro-Corn-Law Society. He said the tenants were the originators of that society. Now, coming from an agricultural county myself, I know how easy it is to give a hint to the steward, that the tenants are expected at a meeting on some particular day, on behalf of the interests of agriculture. To tell me that this society originated with the farming tenants, is to tell me what all the experiences of my earliest childhood convince me is not the case. And, Sir, with regard to the agricultural labourer—I want to know who it is that represents the agricultural labourer in these agricultural societies. I know that when the originators of the Pro-Corn-Law League Society first met in London, with his Grace the Duke of Richmond at their head, there were some persons present to represent the tenants; but it is remarkable that no one appeared to represent the agricultural labourer. There was not one single person deputed by the agricultural labourers to come to that Association when it was first formed, and say that the agricultural labourers were in favour of maintaining scarcity as being for their advantage. Well, Sir, there was another statement of my hon. Friend the Member for Sheffield, which was flatly denied by the hon. Member for Lincolnshire. The hon. Member for Lincolnshire says, that the declarations of the right hon. Gentleman at the head of the Government have had no effect on the value of land, and have had no effect on the bargains between landlord and tenant. Why, was there ever such an assertion made before? I, myself, saw in the London papers, the other day advertisements for the sale of estates by Mr. George Robins, in which he distinctly stated, as one of the grounds why agriculturists must come forward and give a large sum for these estates, that the right hon. Gentleman had declared that the Corn Law of 1841 was a final and irrevocable settlement of this great question. Why, when we see these things in the public papers, put forward by an eminent auctioneer, who wants to sell an estate,—does an eminent auctioneer want to get less for an estate than it is worth?—does he not want to get the largest amount which he can possibly obtain? Well, then, I regret to hear these statements, disparaging the importance of Her Majesty's Government and the right hon. Gentleman; and I must confess that I have observed on this side of the House a disposition amongst Gentlemen opposite to put forced interpretations upon the statements of the right hon. Gentleman at the head of the Government with a view of spreading unfounded reports. I have

observed a studied attempt of this kind. Now, Sir, I do not say this for one moment with any desire of fomenting those unhappy divisions which prevail on the Conservative benches. I do not say it with that view, but I say it as a Friend of the English farmer. My own interests, and the interests of those with whom I am connected, are all bound up with the agricultural class, and there is no class which I desire to see flourish so much as the agricultural tenantry. Heaven forbid, then, that I should in any place whatever, either in this House or elsewhere, say one syllable disparaging the individual characters of men because they happen to be farmers. But, Sir, I complain of this attempt to misinterpret the right hon. Gentleman's statements, because I do feel a great interest in the occupying tenantry of the country. For what is the fact? You are teaching them that the Corn Law protection is permanent; you are teaching them that the right hon. Gentleman has said in this House what he has never said, and what he will not say, viz., that he contemplates the permanence of protection to agriculture, or of the present Corn Laws, or of any other Corn Law. All he has said is, that at the present moment he does not contemplate a change; that he has no measure now to submit. That is a very different thing, however, from the right hon. Gentleman getting up and saying that he contemplates the permanent maintenance of the protective principle; and for Gentlemen to put that interpretation on his words, and thus to strengthen the error into which the agricultural tenantry have fallen—viz., that it is better to rely upon what Parliament can do for them than to rely upon what their own enterprise and their own industry can do for them—I say that, when Gentlemen strengthen that fatal error, they are not acting as the true friends of the farmer; they are not promoting the real and permanent interests of the landed proprietors. But are they in any way advancing the true welfare of the community? Sir, we have also heard a great deal about incendiarism. The hon. Member for Lincolnshire read us a letter upon what the farmers of Suffolk ought to do. He has attributed incendiarism to distress. And what did he go on to say? He said that the farmer must pay them better wages, and that individuals must do this, that, and the other; by those very expressions showing that he has taken a completely erroneous view of the whole question of wages, and of the contract between the employer and the labourer. Why, people cannot pay what wages they please. It is not in the power of individuals to regulate wages. There may be a state of distress in this country produced by your laws and your systems over which landlords, farmers, and labourers have no control whatever. You may have placed it out of the power of the farmers in particular counties to employ labourers. It is my belief that you have. It is my belief that there is a redundant population; it is my belief that there is that pressure upon the means of subsistence, that men who are competing with one another for work will hire themselves for the smallest possible wages which will enable them to live. Therefore do not let us talk of what individuals can do, but let us consider whether there are not some causes arising from our legislation which produces this discontent and this distress in the country, which apparently has within itself all the resources of happiness and prosperity. It is, indeed, remarkable that incendiarism should prevail in these three particular counties, Norfolk, Suffolk, and Essex, because these three counties are the very counties of all others in the United Kingdom where protection is supposed to be the most effective for good. These are grain-growing districts to a great extent; they are districts in which you principally grow wheat and barley, which, under the Corn Law, receive so large an amount of protection; and they are districts also in which you have all those means and appliances in the greatest abundance, which you frequently tell us are essential to the morality and good conduct of the population. Why, Sir, there are no counties in England in which the clergy so abound as in the counties of Norfolk and Suffolk; so much so that it is the practice of friends of mine, when they have met a person with whose occupation they have not been acquainted, dressed in the garb of a gentleman, to conclude at once that he is a clergyman—to such an extent does this class abound. Yet, notwithstanding the means and appliances for good which exist in these counties, you have there a system of the most awful crime—for what crime can be more awful and more appalling than incendiarism. And, Sir, I have undertaken, and I trust I shall soon have

it in my power, to move for a Committee to inquire ihto the state of the poor in those counties, in order that we may know what are the causes of this incendiarism. I must say we have a right to ask the right hon. Gentleman the Home Secretary, that we should be allowed to live in peace without danger of our property being burnt or our lives endangered. I utterly repel those insinuations which have been thrown out, I must say, in a manner unworthy of him, by the President of the Board of Trade, that this incendiarism must be the result of agitation against the Corn Laws. Sir, I say that that insinuation is unworthy of the right hon. Gentleman. I defy him to produce the smallest atom of proof that any incentive to crime has been thrown out in those counties by any of the advocates of freedom of trade. I should think it unworthy of myself if I had attributed to the society for maintaining a scarcity any such effect, although that society has agitated those counties far more than the Anti-Corn-Law League. For one placard which the Anti-Corn-Law League has stuck on the gable-ends of houses, the society for maintaining a high price of corn has circulated, I venture to say, six or even ten; but at the same time, although you have been agitating the country—although you have been telling the labourers and the farmers that the interest of the community depends on the high price of corn—I should be ashamed of myself if I could insinuate for one moment that its Members had incited any person to set fire to property, with a view of promoting their own ends. It might, indeed, be said, that the agitation of the Pro-Corn Law League Society had induced persons to destroy corn, with a view of promoting their own interest; because your doctrine is, that the less corn there is in the country the more the labourer will get; that the less the whole the greater the parts. That is the doctrine which we have heard explained by the noble Lord the Member for East Suffolk, because he says the dearer corn is, and the less there is of it in the country, the more the labourer will get for his share. A system of distribution must be strange, indeed, if such be the result of scarcity. Whatever may be the rate of wages produced by the alterations in the price of provisions, I will venture to assert, without fear of denial, that in no case will you find that, during the cheap year, the wages of the labourer have not given him a greater command over the necessaries and comforts of life than he had in the dear year. Be the wages what they may, you will find on the whole that in the cheap year he has more of the comforts and necessaries of life, and especially a larger quantity of bread, than in the dear year. This, Sir, I believe to be the fact. But the right hon. Gentleman the President of the Board of Trade, in his speech last night, seemed to think that my hon. Friend the Member for Wolverhampton was not entitled to come forward and ask for an explanation of the grounds on which protection is based; that he was not entitled to ask from year to year the reason why you interfere with the Corn Law. He said that if we would refer back to *Hansard's Debates*, and look back to speeches which had been made at various times in Parliament and in other places, we should find that it had been frequently and clearly explained what were the advantages of protection, and that it was unreasonable in the hon. Gentleman to ask him (the President of the Board of Trade) again to go through the various advantages conferred upon the community by interfering with the corn trade. Now, I confess I have read a good deal on this subject, but amongst all the speeches which have been made I cannot find one in which these advantages and benefits are clearly set forth. The right hon. Gentleman and others say, that we are visionary theorists—that we are schemers, and that we are not entitled, without proving the disadvantages of the Corn Laws, to come forward and call upon the Government to show its advantages. Now, I take a completely different view of this question. I say that the right hon. Gentleman at the head of the Government, and those who maintain the Corn Laws, are visionary schemers. You interfere with what is the natural course of things. You come forward with a subtle and refined scheme of what is called an ascending and descending scale of graduated duties, for regulating the importation of foreign corn, and you say that it is a beautiful and ingeniously-contrived plan for making mankind happy, and trade and agriculture prosper. Now, Sir, I have no confidence in this subtle and refined scheme. I do not agree in the extreme opinions which the right hon. Gentleman holds as to the results which

he can produce in the state of society by this ingenious device. I prefer trusting to a plan based on common sense; I prefer relying upon the natural course of events—on the operation of men's interests, on their actions rather than upon the operation of this beautifully contrived, but, as I think, visionary scheme, which the right hon. Gentleman supports, but which I hope will not be very long maintained in this country. Now, I say, that the right hon. Gentleman is the man of extreme opinions. He holds extreme opinions of a device and mere scheme; and when we look around we do not find that those evils which the scheme is designed to prevent, exist. Well, then, the noble Lord the Member for the City of London has extreme opinions in favour of what may be accomplished by a moderate fixed duty. Now, I do not think that society will be made happy; I do not think that trade will flourish; I do not think that agriculture will be improved; I do not think that society at large will be advanced in social welfare, by this scheme of a moderate fixed duty. I will prefer, instead of them, to allow men to follow their own interest in their own way; to buy where they can buy cheapest, and to sell where they can sell dearest; taking it for granted that Providence has intended that by that course, and by that course alone, society should flourish, and mankind become happy and prosperous. That, Sir, is the view which I take of this question, and I must, therefore, altogether repudiate the notion, that hon. Gentlemen on this side who come forward and ask for a total repeal of the Corn Laws, are visionary schemers—nothing of the kind. It is you who are visionary schemers. You interfere with the natural freedom of industry to which men are entitled; you do not prevent misery, you do not prevent distress, you do not prevent great fluctuations in the price of corn, and we have a right, therefore, to call upon you to desist from interfering; and if you do not desist from interfering, we have a right to call upon you to explain clearly and definitely what are the advantages which you profess to confer upon society by those subtle schemes of yours; and if you fail to prove the advantages, I say we are entitled to demand of you the total and immediate repeal of the Corn Laws. Now, with regard to the particular class with whom I am connected by representation in this House, I mean the manufacturers of Manchester, I want to know,—as you tell me that the Corn Law, in some way or other, benefits all classes of society,—I want to know how it benefits them. I want to know what is the advantage which is conferred upon the export manufacturer of this country by the impediments which you throw in the way of his operations. You say that he gets an advantage of some kind by the sale of his goods in the home market; that, I believe is the argument. But I want to know whether, when a buyer goes from a town in Norfolk—I will take, for instance, the town of Norwhich—to buy a bale of cotton goods in Manchester for the purpose of retailing them in Norfolk—I want to know whether he will give any more for that bale of cotton goods than a buyer would give who bought those cotton goods for the purpose of selling them in America. There is the hon. Member for Dorsetshire: I have no doubt that he buys cotton goods, or at least that his tenants or labourers do in the neighbouring village. I want to know whether, when a party in that village goes to Manchester to buy cotton goods, he will give more for them than a person who wishes to sell them in New York; and if he will not, I want to know what is the advantage which the Corn Law gives to the manufacturer over what is called the foreign trade. [An hon. *Member:* "Oh, oh."] Unless the hon. Member will give more for the goods, I really cannot see what peculiar advantage the manufacturer gains. If he can prove that I am wrong, I shall be happy to admit it; but I cannot see what advantage you give the manufacturer over another person if you do not give him more for his goods. But then reverse the case. You expect that the Manchester manufacturer should give you a great deal more for your wheat than the New York dealer in wheat would charge. You will not give him one farthing more for his bale of Manchester goods. No; you know full well, though you profess not to know it, that, inasmuch as these goods are exported to all parts of the world, the foreign price governs the home price. You get them, therefore, at the same price as the foreigner gets them, and you take from the manufacturer a great deal more for your wheat than the foreigner would sell his wheat for. Why, this appears to me to be a very odd sort of reciprocity, or home trade, or whatever it may

be called; indeed, I think it has been well described by the noble Lord the Member for Sunderland as no better than robbery. I say that when a manufacturer works up cotton into cotton goods it is his own property, and no one else has any right to interfere with it. I will take a piece of cotton goods belonging to a Manchester manufacturer, and I defy the hon. Member for Dorsetshire to show that he ever had any property either in the raw material, in the capital which purchased it, in the persons who worked it, or in the machinery which was used in the production of the article? I want to know, then, if he has not a particle of property in the matter, how he can reconcile it to himself to say, "I am entitled, because I am a proprietor of land, to prevent the manufacturer from exchanging his cotton goods in the foreign market for that produce which the country most needs?" Can it be said for one moment that the landed proprietors of this country, because they are proprietors, have any property in the industry of other men? Can it be said that they have any right, as landed proprietors, to interfere with that property? The manufacturers and the working classes now come to the House very much in the same position as Catholics and Dissenters did in former times. They come to this House complaining of disabilities; they say, "We are persons living by our energies, by our talents, and by our capital; we are not owners of land; we live by commercial exchanges. Trade is a legitimate and proper calling, and one which is within our reach—it is a branch of business that we can follow. But you have laws—not for the public service, not for the public revenue, not for State necessity, but for the advantage of a particular class—which prevent our following those pursuits and this business which Providence has placed within our reach." Now, I ask any Gentleman in this House what is the plea which you can possibly set up for interfering with this freedom of exchange on the part of your fellow-subjects? They are Englishmen, owing allegiance to your Sovereign, paying your taxes, obeying your laws, and demanding as their right the true protection of your laws, namely, that their property should not be interfered with. Their property consists also in freedom of trade. They do not wish to interfere with your estates; all they ask is that you should be satisfied with your estates. You bought, you inherited, you possessed the estates; but you never bought, you never inherited, you never possessed the right to tax other men, because you held those estates. You are entitled to the full possession, of the tranquil possession, of the property which you hold; but you must give up what is not your own, and what you now hold simply by virtue of the political power which you possess in this country, enabling you to take a portion of the earnings of the labouring classes in this country—a large slice from the loaf of the poorest subject in Her Majesty's dominions. That is the matter of fact as connected with this question; and I call upon the right hon. Gentleman (Sir R. Peel), and I call upon the Paymaster of the Forces (Sir E. Knatchbull), after their long experience, and by the repeated arguments on both sides of the question which they have heard in former Parliaments as well as in the present—I call upon them, once for all, to come forward and say what is the ground upon which the landed proprietary of this country claim for themselves, as a matter of justice, the right of interfering with the freedom of industry. It is a fair question. I well recollect reading at the University of Cambridge, in the works of Dr. Paley, that every restraint, was *per se*, an evil; and that it was incumbent upon those who maintained such restraint, and upon those who imposed it, to prove its advantage, to prove distinctly and to demonstration, beyond the shadow of a doubt, that a manifest advantage was conferred upon society by such restraint; and he said it was not incumbent upon those who suffered from the restraint, even to prove its disadvantage. Therefore, I am now appealing to you in strict conformity with those principles which I have been taught in one of your universities. I have been taught by Dr. Paley, to ask you — the Legislature, to ask you — the governing power, when there is a restraint which is complained of — I have been taught by Dr. Paley's philosophy to demand as my right, that the advantage of that restraint should be clearly and explicitly stated; and I have been taught also by that philosophy, that, unless the advantage is clearly and explicitly stated, I am entitled to demand the immediate cessation of that restraint. Now, Sir, we have been told that it is an extreme course, the total and immediate repeal of the

Corn Laws. But I am prepared to say, after a full consideration, that with reference even to the vested interests of those who have hitherto been protected, the total and immediate repeal of the Corn Laws is the best mode of settling the question. In the first place, any other mode of settling the question must still leave something to be done—it must still leave some uncertainty and doubt. No settlement short of that can satisfy the commercial and manufacturing classes, whose rights you have so unjustly interfered with. And, when we come to vested interests, we must consider what is the nature of that possession which has entitled you to plead vested interests. It must be remembered that it has all along been an adverse possession. No time creates an interest where possession has all along been adverse. Was the possession of this Corn Law ever acquiesced in by the commercial and manufacturing classes? Why, at the time when you passed the Corn Law, what was the character of this House? It was a boroughmongering Parliament, it was a Parliament of landowners alone. What was then the qualification for a seat in this House? The possession of land. A man could not take his seat in this House—he could not have a voice in this House—unless he was in the receipt of 600*l*. a-year from land. [A *Voice*, "Three."] Were the large manufacturing towns represented when you passed your Corn Laws? Were any means taken to ascertain that there was acquiescence on the part of that large portion of Her Majesty's subjects in this interference with the freedom of industry? On the contrary; you passed your laws, and you have always maintained them under a protest. You were told at the time you passed them—you continued to be told throughout their existence—that when other parties had obtained power in the Legislature, they would repeal those laws; so far were they from being acquiesced in. I say, then, Sir, that it was an adverse possession, and you cannot therefore plead that time has given you a title. I ask you what consideration was shown for the vested interests of the manufacturing class at the close of the late war, when you passed the Corn Law? Let the hon. Member for Dorsetshire consider this. What did Lord Liverpool say? He said that the object of passing the Corn Law, at the close of the war was, that of preventing the settlement between landlord and tenant, which would take place in consequence of the peace. He said in his speech that there were many who demanded inquiry—there were many who asked for delay—there were many who thought it would be better that the country should settle down into this new state of things quietly, without any attempt on the part of the Legislature to alter the position of any new class. But were the demands and entreaties of these different persons attended to? No, you proceeded at once, without inquiry, knowing that you were interfering most materially with the manufactures and trade of the country. I say you proceeded at once to pass this law, simply because you were unwilling that rents should fall from the prices at which they had been during the war, and that there should be that new settlement between landlord and tenant which was expected as the consequence of peace. Well, now, what is this vested interest? You, who so disregard the interests of others, were you not aware, at the close of the war, that the manufacturers of this country would have to contend with the manufacturers of other countries in a way that they had not had to contend with them during the continuance of the war? Were you not aware that the establishment of peace in the different countries of Europe would cause the manufacturers of those countries to commence new works, and that foreigners would necessarily come into competition with the manufacturers of this country? But did you regard their interest for one moment? No, you at once said. "Rent, rent, rent, that is our point: we will sacrifice all interest to rent, and, having power in the Legislature, we will pass this Corn Law with a view of preventing that settlement between landlord and tenant, which we all know must, without that law, be the consequence of peace." This, I believe, is not an exaggerated statement of what took place at that period; and that has been the view taken, as far as I am able to judge from reading its history, in all subsequent changes made in the Corn Law. You have never consulted the interest of any other portion of the community; you have never regarded any entreaties for inquiry; you have never passed any other Corn Law except with the view of keeping up your rents. I conscientiously believe that this is the case. When you talk

of abuse, let me tell you, that these are plain facts. The most eminent writers have taken the same view of your conduct. It is not the Anti-Corn-Law League merely which says these things; it is not only men who are supposed to be political agitators, violent party spirits, and so on, who utter these expressions; the same view has been taken by men of the highest authority, and the keenest judgment; by poets, by philosophers, by men in almost every station of society. I will venture to say, that in all the abuse of the Anti-Corn-Law League, you will not find any abuse equal to that of one of the most eminent poets who have written in the British language, himself one of the landed class. What does he say of your conduct at the close of the war? He says you were

"The last to bid the cry of warfare cease,
The first to make a malady of peace;
For what were all these country patriots born?
To hunt and vote, and raise the price of corn?"

What does he go on to say, with regard to the war itself? This language is more violent than any used by the Anti-Corn-Law League; and it is the language of one of the most eminent poets in this country, a man whose works are circulated in all parts of the world. What does he say with regard to your conduct—I mean the conduct of the landed proprietors—during the war? I do not say that his words are true, I only quote them to show that the Anti-Corn-Law League are not the only persons who have used strong language with regard to the landed proprietors of this country:—

"Safe in their barns, these Sabine tillers sent
Their brethren out to battle—why? for rent!
Year after year they voted cent. per cent.
Blood, sweat, and tear, wrung millions—why? for rent!
They roared, they dined, they drank, they swore they meant
To die for England—why then live? for rent!
The peace has made one general malcontent,
Of these high market patriots, war was rent!
Their love of country, millions all misspent,
How reconcile? by reconciling rent.
And will they not repay the treasures lent!

That refers to the idea which prevailed, that landlords had actually some scheme of avoiding the payment of the national debt:—

"No, down with everything, but up with rent!
Their good, ill, health, wealth, joy, or discontent,
Being, end, aim, religion—rent! rent! rent!"

This noble poet does not even exclude the Church itself from joining with you in this crusade against society, for the purpose of keeping up rent, because they, be it remarked, bore an interest in tithes:—

"So Mother Church, while all religion writhes
Like Niobe, weeps o'er her offspring—Tithes!"

Now, I know that many excellent men are supporters of the Corn Laws; and undoubtedly there may be numbers amongst the class who support protection, who sincerely believe that it is a benefit to the country, I only quote these words to show the position in which you then stood in the estimation of men of high intellect and high talent, who, from their position, were capable of judging of the real motives with which you proposed the Corn Laws. Sir, for one I confess it appears to me that, notwithstanding what may be said about the advance and retrogression of different societies, the time is coming when the community will no longer submit to this gross tyranny on the part of the landed proprietors with reference to the Corn Law. And when it is urged that manufacturers and traders have protection, I reply, that in all the petitions which I have had the honour of presenting to this House from the Manchester Chamber of Commerce, and from other parties representing the manufacturing portion of the community, it has been stated, that they wish for the total abolition of all protecting duties on manufactures, as well as of all protecting duties on corn. I refer especially to the Petition of the Manchester Chamber of Commerce, which denies altogether the doctrine of protection, and demands of you freedom of industry for all classes of Her Majesty's subjects. I should not feel that warmth in the subject which I now do if this were not the case. Still, the wrong which you inflict on the community could not be made right by the circumstance that there were other wrongs inflicted upon it; it stands there still to be judged by itself. If you favour some particular branch of industry in which there is no monopolised agent employed, all that you do thus is to raise the price of the commodity to the

consumer. But you do not increase profits, or the wages of the person employed, and for this simple reason, that manufactures being open, whilst there is capital in the country, there will be persons ready to embark in them when they find that a particular manufacture produces a higher amount than any other branch of industry. I believe that one object which many propose to themselves by maintaining the Corn Laws is, to secure what has been called by the hon. Member for Shrewsbury, the predominance or ascendancy of the landed interest, and that the motives of their supporters are rather political than pecuniary. They fear, that if unrestricted freedom is given for the exertion of the energy, enterprise, and capital which are ready to be employed in this country, an equalizing and democratic tendency will be imparted to society, and that they may not be allowed to sit longer in the halls of the Legislature, and enact such laws as accord with their own feelings and interests only. What does the Duke of Wellington, who does not say what he does not mean, assert to be the object of the Corn Laws? The maintenance of the landed aristocracy in their present social position in this country. The right hon. Gentleman, the Paymaster of the Forces, made a similar declaration not long ago. When the right hon. Baronet (Sir R. Peel) comes down to the House, and reads tables of corn imported, and manufactured goods exported, I assert that it savours of the same spirit. It seems to say, "You have so much trade; are you not satisfied? See what we have permitted you to have in reward for your exertions and industry." The real question is as to the amount of trade which these laws have prevented; not what the manufacturers now enjoy, but what they might enjoy under a free-trade. Then the noble Lord, the Member for North Lancashire, got up a scene yesterday evening, about a petition from the landowners, manufacturers, and farmers of North Lancashire, with 16,000 signatures. Were they farmers or manufacturers? [Lord *Stanley*: Half the manufacturers of Preston and Blackburn signed the petition.] That might be, but I want to know what proportion of the whole 16,000 were manufacturers? I very much doubt, if these persons had known that the petition was for the maintenance of the graduated scale, whether they would have signed the petition. If the noble Lord was so confident that protection would benefit the manufacturers, I wish the noble Lord, as Member for North Lancashire, would rise in his place, and say that he was convinced he conferred a great benefit on his constituents by supporting the right hon. Gentleman's Corn Law. Will the noble Lord undertake to rise in his place, and say that that was his conscientious belief. [Lord *Stanley*; Yes; I say so.] Upon the manufacturers? [Lord *Stanley*: I represent agriculturists and manufacturers, and I believe I am conferring a benefit on the manufacturers.] I hope the noble Lord does not suppose that they will be contented with that explanation. I should like to hear from the noble Lord the grounds on which he thought so. [*Laughter.*] Hon. Members may laugh if they please, but the noble Lord did state the grounds once. Why? That they might be enabled to keep grooms and gardeners. Considering the position held by the noble Lord in this House, we have heard very little from him as to the effect of the Corn Law upon the trading and manufacturing interest. It is true that he did once frighten the agriculturists by his description of Tamboff; but he has never satisfied the manufacturers that the keeping out of corn is for their benefit. I think some are treating this question in a way which amounts to little short of insult. When Gentlemen get up, they do not speak to the question. Hon. Gentlemen on the Ministerial side are responsible in this matter, for they can alter the law, whilst the Opposition cannot. The right hon. Baronet is their leader, because they cannot form an Administration out of the Central Society for the Protection of Agriculture. The right hon. Baronet is nearer to the League than he is to the Central Society for the Protection of Agriculture, for he has acknowledged the principles of the former to be right in the abstract, and has professed his belief that they must eventually prevail. The right hon. Baronet is responsible for the Corn Law; he imposed it, and he ought to give a distinct explanation of the benefit which it has conferred upon my constituents. The right hon. Baronet cannot legislate for a portion only of the community.

Mr. *G. Bankes* could assure the hon. Member for Manchester that there was no disposition amongst hon. Gentlemen at the Ministerial side of the House to sneer

at the hon. Gentleman's arguments, but it was out of their power to restrain their risible faculties when the hon. Gentleman appealed to the benches below—the front benches at the other side of the House being at the moment altogether empty. He had every disposition to listen to what fell from the hon. Member with that degree of attention to which his observations were entitled, as one who had considered the subject with that degree of attention to which it was unquestionably entitled. He agreed with the hon. Member for Manchester, and the hon. Member who spoke before him, that it was desirable to keep to the question before the House. His hon. Friend, the Member for Northamptonshire, who had addressed the House that evening, had gone at great length into the history of the Anti-Corn-Law League in a manner which showed great labour and research. They knew that during the present Session very numerous petitions had been presented from the tenant-farmers of England, and complaints of the interference of the Anti-Corn-Law League formed a prominent part of those petitions. It appeared from the summary which his hon. Friend had given of the history of the life of the League—it appeared that the League had now existed for six years, and he was happy to say that it was not likely to continue to exist much longer. With some portion of the history of the League he had, until he had heard his hon. Friend's (Mr. S. O'Brien's) speech, been acquainted; for, although he had come in for a very fair share of its abuse, yet he had not directed his attention to the historical proceedings of the League. He was not aware before that the public were indebted for the origin of the League to that eminent Gentleman whom he saw opposite, the hon. Member for Bolton. That Gentleman was distinguished in many respects, and, amongst other things, for his poetical talents, and when the hon. Member for Manchester used a poetical quotation, he thought that it was the production of the hon. and learned Member, and he considered it to be a production worthy of him—much more worthy of him than it was of the noble Lord who, it appeared, was the real author. He trusted that when the League expired, the hon. Member for Bolton would write its epitaph, which he was sure would be characterised by the taste and good humour that distinguished the hon. Member. There had been, in the course of the present debate, some questions put to him which render it fit that he should offer some observations to the House. He had been asked, with reference to the part he had taken on the Factory Bill, how he could reconcile it to interfere with the interests of those concerned in manufactures, unless he was disposed to show the same disposition with respect to other interests. He would not have interfered in the question, unless with a desire to benefit all classes—the labouring community as well as others. He would reply to the imputation which the hon. Member for Manchester had endeavoured to cast—he would not say on the Members of that House—but on some portion of the community, who, he said, desired to maintain the existing laws, for the purpose of crushing the rising power, and wealth, and credit of the manufacturing interest. He was surprised, knowing that the hon. Member could not say anything which at the time he did not consider to be true, that he should have uttered such an imputation. It was with no such feelings as that that he and hon. Members of the same side of the House desired to maintain the Corn Laws. He denied that there was any ground for such an imputation, and he disclaimed any desire, in any vote that he gave, to do any thing to check the progress of the manufacturing interest. With respect to the vote which he had given on the factory questions he had no personal information, and he felt bound to acquire the best information that he could obtain. He was not guided in his vote by what appeared in the newspapers, or in pamphlets, or in the Reports of Commissioners; but he saw a great number of these men themselves. He told them that he was unwilling to vote until his mind was satisfied on the subject—that they must supply him with information to enable him to act. He doubted whether that question was not more a question of wages than it was generally understood to be; and it was not until he had various interviews with those men who represented large bodies, that he came to the conclusion of giving the vote which he subsequently gave. The preliminaries having been adopted by Parliament, the question became one not of principle but of degree, and he had given his vote that the hours of labour might be modified without injury to the labourer.

The vote he had given he did not at all repent. On the subject before the House he was ready to state the motives that would govern him in endeavouring to maintain that protection for agriculture which it had always received in that country. Although the hon. Member for Manchester had said that they had only held a few years adverse possession of that protection, yet he maintained that agriculture had always received that protection, and that it could not without injury be deprived of it. The tone of the hon. Member for Wolverhampton, in the course of this debate, had been very different from that which had distinguished him in former debates, and much of his speech was made up of taunts and defiance. The hon. Member asked them not once, but fifty times over, in the course of his speech, whether they "dared" to assert first one thing and then another. There was one place which the hon. Member for Wolverhampton was in the habit of frequenting, where he understood that arguments of that kind had considerable weight, namely, the Anti-Corn Law League. There was a man, the other night, who "dared" to attempt to offer some observations at Covent-garden Theatre, when he was immediately taken up by the police and carried out of the House. As they had not police officers sitting betwixt them in that House, they would dare to say that the argument which they at that side had used had never been answered—they desired protection to agriculture for the good of the tenant-farmer —for the good of the labourer—and for the good of the entire population of the kingdom. Nobody who argued this question could omit the consideration of the landlords, as one of the important classes whose interests would be affected. But many of those who argued the question on the other side of the House, had altogether omitted the tenant-farmer, and the tenant-farmer soon found that out, and came forward to repudiate the doctrines promulgated by the hon. Members for Wolverhampton, for Stockport, and for Bolton. He hoped that some tenant-farmers had last night been listening to the speech of the noble Lord the Member for Sunderland, who said, speaking of Canada, "that in Canada there was no tenant-farmer, that there was only the man who owned the soil and the labourer, and that there was no intermediate person whatever." But it should be recollected that they were not legislating for a country in such a condition as that, but for a country having a state of society altogether different. Now, with respect to the tenant-farmers, he (Mr. Bankes) could assure the hon. Member for Manchester that the very material move made by the tenant-farmers was altogether spontaneous on their part. The landlords were, of course, not displeased to see that course taken, but they had not encouraged it, for it was a spontaneous movement of the tenant farmers themselves. The overpowering and bullying system adopted by the Anti-Corn Law League caused the farmers to rise up as one man to resist their proceedings. The hon. Member for Manchester had asked, supposing that he (Mr. Bankes) ordered a quantity of goods from a merchant in Manchester or Stockport, what advantage that merchant or manufacturer would have in selling his goods to him beyond selling them to a person in New York? To that, he answered, that he had one great advantage in the certainty of his customer. There were many circumstances that might deprive him of the custom of the merchant in New York, as, for instance, some change in the tariff. He was told that one of the persons at present a candidate for the Presidency of America had his banners inscribed with the motto "Protection for Native Industry." The advantage, then, of the home trade was, that it might be looked upon as one of the continuance of which there was a certainty. He regretted that the noble Lord the Member for Sunderland, was not in his place, as in his speech on the previous night he had addressed some observations to him (Mr. Bankes) as to the state of the labouring classes in the county which he had the honour to represent, and which observations, the lateness of the hour at which the noble Lord concluded his speeeh, precluded him (Mr. Bankes) from the opportunity of answering last night. The noble Lord was pleased to say, that in the county which he (Mr. Bankes) had the honour to represent, the labourers were in a low and debased condition, and which had been pointed out more than once by the hon. Member for Stockport. It was quite true that the hon Member for Stockport had more than once pointed this out, but he had omitted to mention that the statement had been just as often contradicted. He felt it his

duty to vindicate the county which he had the honour to represent from the charge which could not be borne out. He believed that the true reason why that county had been fixed upon was, that it was represented by a noble Lord who took a great interest in the condition of persons engaged in factory-labour (Lord Ashley). In reply to the statement made respecting the condition of that county, he should read to the House some extracts from the report of the Commissioners who had been appointed to inquire into the condition of women and children employed in agriculture in that county (Dorsetshire) as well as other counties in England. The hon. Member read extracts from the Commissioners' Report respecting Dorsetshire, to the following effect:—

"Not one out of the many women accustomed to work in the fields, with whom we conversed, considered themselves generally to suffer from working out of doors. The effect of out-door farm labour upon grown women appears, upon the whole, to be beneficial, and the women accustomed to it, report that it is good for their health and spirits."

It appeared that, so far as the testimony of the women themselves was concerned, that out of door labour was not injurious to their health; and the testimony of experienced medical men was nearly to the same effect. With respect to clothing, they had benefit societies, which were of great advantage in enabling the labouring classes to procure a proper supply of clothing. With respect to rates of wages in that part of the county in which he resided, he (Mr. Bankes) had before read a statement from the Commissioners' Report to the effect that wages were by no means less there, and that labourers had very considerable advantages in addition. He did not wish to utter anything derogatory of other counties, but he felt bound to say that the Commissioners, far from putting the county below other counties in the neighbourhood, with regard to the condition of the labourers, placed it above Somersetshire and Devonshire. He did not say that wages were so high all through the country, and he wished with his hon. Friend the Member for Somersetshire that the remuneration of the working man was everywhere raised. But the labourer would certainly not be better from the change proposed by right hon. Gentlemen opposite. This was really the question before the House—it was a question of the tenant-farmer and the labourer He had stated this before, and he would state it again. No possible increase of manufactures could give employment to the labourers whom the removal of protection would drive out of the agricultural districts. Even if such employment could be procured, the change would not be a desirable one, for without intending anything hurtful to the feelings of manufacturers, he felt quite convinced that, even if the agricultural labourers received less money, their condition, in point of morality, comfort, and true happiness, was preferable to that of the manufacturing population. He perceived the noble Lord the Member for Sunderland entering the House, and he would take the liberty of repeating his hope that, when next the noble Lord made assertions, and declared them to be uncontradicted, the noble Lord would read a little more and inquire a little more. The noble Lord went too far in stating that the condition of the labourers in the north was superior to that of those in the southern counties. The hon. Members for Stockport and Wolverhampton said that the free introduction of foreign corn need not throw an acre even of poor land out of cultivation, for that, if the acre were given rent free to a poor man, he would cultivate it for his subsistence. He (Mr. Bankes) denied this proposition, for if the acre were given without payment of rent, and if the labourer were able to raise sufficient corn for his consumption, there were other necessaries, as clothing, fuel, &c., which the land would hardly supply him with. A noble Lord, an eminent experimental farmer, had made statements in another place—in a place where the hon. Member for Manchester appeared with greater effect than did even Mr. George Robins (so often quoted by him) in the auction-room. But the hon. Member for Somersetshire had quoted facts that threw some doubt on the conclusions of that noble Lord, who might be described as a Lord among farmers and a farmer among Lords. He thanked the House for the attention it had given him. He had dared to re-assert the assertions he had always made, and to which he had nothing to add. His excuse for having trespassed on the time of the House was that he had been called on twice for explanations and vindications that he never could shrink from giving.

Mr. *Hutt* rose amidst loud cries for Mr. Cobden. The hon. Gentleman said that if his speech should intervene between his hon. Friend (Mr. Cobden) and the House, it would have at least one recommendation —namely, that it would be very brief. He was about to support the Motion of his hon. Friend, the Member for Wolverhampton, but he was not going to do so entirely for the reasons by which his hon. Friend had recommended his Motion to the House. He was prepared to go into a Committe of the whole House upon the question of the Corn Laws, for the purpose of recommending the entire repeal of the existing system of Corn Laws, and substituting instead a low fixed duty upon the importation of Corn. To the present system of Corn Laws he had been uniformly opposed. He believed that it was equally mischievous to every class and every interest in the country. He agreed with the President of the Board of Trade that a high price of corn was a great national calamity. He supported a fixed duty on the ground of revenue; but what appeared to him to be an especial recommendation of a low fixed duty on the importation of corn under all conceivable circumstances was, that the duty would not be paid by the consumers of this country, but that it would be paid by the foreign importer.

Mr. *Cobden* said:—Sir, it is not my intention to follow the example which has been set by hon. Gentlemen opposite (the Member for Northamptonshire and other hon. Members who followed him), in making this a question merely of the conduct or character of the Anti-Corn Law League or that of their opponents the Anti-League; but I shall confine myself to the consideration of the influence of the Corn Laws upon the country, and to that alone. If it were not a very trite and familiar illustration of the nature of the expedient which has been resorted to by hon. Gentlemen opposite, I should say that their conduct reminds me of the course pursued by a certain defendant, who, having a very bad case, put a brief into the hands of a barrister endorsed in the following manner: "No case; please to abuse the plaintiff's attorney." Hon. Gentlemen opposite perceiving they have "no case," find it much more convenient to attack the Anti-Corn Law League than to attempt any defence of the Corn Law. They are the defendants upon this occasion; the Corn Law is upon its trial, and there is but one way in which it can be tried, and that is by looking to its effect upon the nation at large; and ascertaining not merely whether farmers and farm-labourers have been better off since or worse than before its enactment, whether landlords have been richer or poorer, although these may be very important questions; but the point to decide is, whether the Corn Laws have tended to promote national prosperity. I have never seen more than two modes by which it has been attempted to place the Corn Law upon national grounds. The one is, that it forms part of a general system of protection. I believe the hon. Gentleman opposite, who is sitting upon the second bench uses the phrase "protection to native industry in all its branches." The second alleged reason by which the Corn Law is attempted to be suppported on public grounds is, that you cannot keep up your national taxation, and pay the interest of the heavy debt which this country has incurred, without this system of protection. Let us look at the first argument—the allegation of the Corn Law being a part of a system of protection to native industry in all its branches. Is this really the fact? If it be so, I will at once give up my argument. If you can show that you have applied a system of protection to all classes, or if you prove to me that you can do so, then I will give up my opposition to your Corn Law. But have you, in fact, done what you state? Have you protected the exporting manufacturer of this country? An hon. Gentleman opposite has referred to an instance, as he states, where a candidate for the Presidentship of America went about with banners, upon which were inscribed the motto "Protection to native industry!" But is he not aware that there are parties in that country situated precisely as our manufacturers are here? They are extensive exporters of cotton, and can have no protection to the produce of their soil. What has been the effect in America of the cry, "Protection to native industry." Why, it has produced precisely the same discord, the same "dangerous combinations" of men there to abolish the system of class-legislation as that of which you have complained so much in England. Nay, South Carolina carried on its opposition to the Tariff Law to such an extent, that you will remember it issued its act of nullification, threatening that it would

separate itself from the rest of the Union. Go again to France, and inquire what has been the effect of your system there. In that country the owners of the soil are most extensively engaged as growers of wine; where is the system of protection to native industry in all its branches which the wine-grower of that country possesses? "No," they say, "our prices are fixed by the markets of the world; you cannot protect us in the sale of our wines, and yet you tax us, and impose a duty upon us for the benefit of a few manufacturers; and then raise the same cry as that adopted by the people of Carolina—'Let us have different zones in this country, and let us have different sets of tariffs, suitable to the productions of each zone.'" That is the reason why discord raged, and is still continuing, in America and France, and will rage everywhere where a system of class-legislation prevails. It is this evil which is at the bottom of the opposition you are now encountering in this country. It is not the League, but your injustice which is the cause of it. If no League had been formed before for the removal of this great grievance, it is a proof of the want of intelligence and public spirit at that time in that portion of the community who, I believe, were then deeply suffering under this system, but had not the spirit to rise and resent it. And I would ask, how you suppose you will put down this opposition. Is it by calling names, and saying that the League is "an aggressive body?" We say that your law is an "aggressive" law, and we demand that it shall be abolished, because it is bad; show us that the Corn Law is just, and we will dissolve the Anti-Corn Law League forthwith; but, unless you can prove that, do not deceive yourselves by the supposition—do not delude yourselves by imagining that such a display as we have had to-night—such a childish exhibition, I might say, as you have shown—will have any effect in producing a dissolution of the League. You talk of "protection to native industry in all its branches." I will bring this question home to you, and ask you to show me how you can protect the labourer of this country. I have brought this subject before you on a previous occasion; I will bring it before you again; and depend upon it no vague declaration shall serve you in this case. I demand that you now state explicitly how you can protect the labourer of this country, and what is the nature of the protection you propose to furnish him with. I will meet you on the ground of the Poor Law in connexion with this question, but you shall not by this means evade the discussion of the real point. We have had many attempts made wholly to get rid of the question at issue, but you shall not succeed in doing so; the matter shall be brought before the country and the House, and the working classes of England shall thoroughly understand the gross imposition which has been practised upon them. With regard to the national revenue, we are told that without a protecting duty on corn, we cannot pay the taxation of this country. I heard a remark of this kind drop from a Gentleman sitting just before me here, who spoke with all the apparent gravity of a man thoroughly convinced with that he was saying was unanswerable. The hon. Gentleman said, "You cannot meet the national taxation, without a protective duty on corn." Indeed! Then, if we are to be taxed to pay the taxes of the corn-grower, who is to be taxed and pay the taxation of the manufacturers, I should like to know? The hon. Member for Dorsetshire has had the candour to admit that he does not pay more for the manufactures which he consumes than the foreign merchant who has to take his goods to a distant market of the world; therefore he cannot protect the manufacturer in that foreign market. I ask you by what process you intend to assist the manufacturers in paying their taxes, seeing that you, the landed interest, are possessed of this Corn Law which enables you to pay them. I have heard hon. Gentlemen say, unless you have a high range of prices in this country it is impossible you can meet the taxation. Well, now does anybody suppose that the Corn Law keeps up the price of anything but corn? You want a high range of prices, you tell me, to pay the national taxation; have you not admitted that manufactures are sold as cheap here as those which are exported to the most remote part of the globe? Yet, out of those unprotected prices for their commodities, taxation is to be paid; and I want to know why you cannot pay your taxation by an unprotected trade in corn, as well as we do by our unprotected trade in manufactures? There is a great fundamental fallacy lurking under this argument, that protecting duties tend to keep up the prices generally

in this country. The protecting duty on corn has been already demonstrated by the noble Lord the Member for Sunderland, who has put the question so well that he really has left nothing to say upon the subject. He has shown that these protecting duties lower both profits and wages; and how in the world are those duties to assist the community at large in paying the interest of the national debt? This is an argument, let me remind you which applies not merely to manufactures and agriculture—for I wish to draw this question out of the mere scramble between manufacturers and landowners. You are losing sight of the community at large—the great bulk of the people—who are neither manufacturers nor landlords, farmers or farm-labourers — I mean the vast body of the population, who, when they come to see the fallacies of your arguments about taxation and general protection, will be the arbiters of this question; they will step in and enable those who stand forth prominent now, because they meet with this impediment to their claim, to resist the aggression to which they have been so long subjected—the great body of the middle classes, from whom they get their income—the proprietors of house-property in towns, the owners of the debt itself—these, I say, are the men who will step in and assist us to put down this great iniquity, when they are convinced of the fallacy which lurks under the fear that this Corn Law enables them to pay the national creditor. I want to know how this system of protection affects the great body of the people who are neither manufacturers, farmers, nor landlords? Why, if you raise the price of your corn, you do not profess to requite them in any way for the taxes which you impose on their food. They are neither farmers, farm-labourers, nor landlords: if you tax them for the purpose of paying your debts and taxes, you make them pay their own taxation and yours too. I verily believe that hon. Gentlemen, proprietors of land, have a confused notion in their heads, and seem to think that the "national debt" means private debt, and they mistake that debt for their own individual mortgages. Sir, I have one or two facts to show the way in which high prices of corn have operated on the revenue of this country. I want that to be understood by the people at large; and also by the Government of this country. I have looked through the list of the prices of corn ever since your famous Corn Law of 1815 was passed. It is a very remarkable fact that the price of corn is just a barometer of the state of your taxation; that your revenue declines just as your corn rises in price; and the revenue flows over just as the value of corn falls; so much so that it is a perfect barometer as to the state of the revenue. Now, I will take the first four years from 1815 to 1820, during which period the average price of wheat was 81*s.* 4*d.*, and the farmers and landlords were glorying in scarcity and high prices. What was the effect upon the revenue at that time? Why, there was an annual taxation of 2,400,000*l.* additional, imposed upon the country for the necessities of the State. The next four years the average price of wheat was 54*s.* 6*d.*, being more than 25*s.* a quarter less than in the previous period; then came "unparalleled agricultural distress;" and yet you had taxes repealed during those four years to the amount of 8,100,000*l.* I come to the next period of an exceedingly low price of corn, and that was in 1833, 1834, 1835, and 1836, when the average price for those four years was 46*s.* 9*d.*: lower than it had been for forty years, taxes were repealed during those four years to the amount of 4,500,000*l.* per annum. I now come to the late period of dear years, from 1838 to 1842, during which five years the average price of wheat was 64*s.* 7*d.* a quarter, being higher than it had been for twenty years previous. During that five years you had, first of all, 5 per cent. additional imposed on your general taxes, and 10 per cent. on your assessed taxes that fell short; and then you had an Income Tax, a tax on coal and other taxes; and the whole amount of additional taxation then laid upon the shoulders of the people of this country during the above five years was 8,000,000*l.* sterling per annum. Thus the revenue of this country—at the time when the rent was rising when the landowners were laying on extra rents, and when if we may believe you, farmers were in a state of prosperity—was in a state of depression. Now, during the last year, and up to the present time, when the price of corn has been rather lower, we have again had a season of the remission of taxation; and if prices continue low, you may possibly get rid of the Income Tax, and have as good a revenue as before. I want to ask the right hon.

Baronet, who I presume will favour the House with his opinion on this question, where is the difficulty in carrying out the principle of free trade in everything? I wish to state most honestly and emphatically that I stand here as an advocate for free trade in everything; and if you will go into Committee on the subject of corn, and the rules of the House will permit me to add the repeal of the duties upon every other article that is protected, I will undertake to move its insertion. The noble Lord, the Member for the City of London, expressed some surprise that we did not bring forward a free-trade Motion—that we dealt with corn only. You will recollect that the right hon. Baronet at the head of Her Majesty's Government told us that it has always been customary to deal with corn differently from every other article. Unfortunately, to our sorrow, we know that to be true; and it is because corn has been dealt with differently from every other article that we have established an Anti-Corn Law League, attacking the Corn Law only, knowing well, that when we can abolish that enactment, hon. Gentlemen opposite will save us the trouble of labouring to procure the repeal of all other monopolies. I say that I am for free-trade in everything. The right hon. Baronet may meet us now, as he did once before, by saying, "This is a very revolutionary proposal of yours." [*Cheers.*] I hear hon. Gentlemen opposite cheering, which shows that there are a great many of them labouring under that hallucination. I wish to show that you can adopt free-trade in everything, and that there are no national obstacles to its being carried out immediately. I want to prove to you, that barring your own class interest as landlords, farmers, or farm-labourers, there is no national impediment to your carrying out the principle of free-trade to-morrow. The noble Lord, the Member for Newark (Lord J. Manners) laughs, and throws back his head: I am glad to see that laugh, because it is expressive of incredulity. I know, if he has voted for the Corn Laws, it is because he believed he had national grounds for doing so. I cannot believe him sincere in his professions of humanity if he upholds a Corn Law merely for class-interest. I want to show him that you might carry out free-trade in everything, and that, instead of its being a detriment, it would be a benefit to the revenue. What is the carrying out of free-trade? Not that the removal of all custom-houses, as some have stated is our object. I have heard of hon. Gentlemen writing to their constituents, and addressing them personally, saying that we want to abolish all custom-houses. I saw in the *Times* newspaper—an assumed great authority—in a leading article, that such had been my doctrine; but nothing can be more ridiculous and absurd than such a charge. Free-trade does not mean the abolition of custom-house duties, but merely the taking off imposts which are at present levied only for the purpose of protection. How much do those duties amount to? What is the sum which they yield to the revenue? The whole of the duties paid last year, which may be called protective duties, amounted to 2,500,000*l.* That sum includes your taxes upon corn, timber, silk, and every other item that can by incidence be called a protective duty. Now, I am an advocate for removing the whole of those protective duties; but do not let hon. Gentlemen connected with the soil think that we are shielding ourselves now under this Corn Law question, and that we have nothing more in view besides corn in the list of protective duties which we seek to abolish. They will find, that out of this 2,500,000*l.* paid in protective duties, upwards of 2,000,000*l.* consists of taxes paid on articles that are the growth of, or that come from beneath the soil of this country. The whole of the duties paid on foreign manufactures do not amount to 300,000*l.* per annum. As it is a very late hour of the night, I will not trouble the House with many figures; but I want to show what these customs duties are about which you are so frightened. How much do you suppose was paid for duty on cottton muanufactures last year? Why, that article paid 3,700*l.* What was the sum paid for lace? Why, 7,600*l.* China and earthenware, 3,600*l.*; linen, 12,000*l.*; woollen, 16,700*l.*; silk manufacture 240,600*l.* The whole of the produce of the duties which can be called protective duties on manufactures from abroad amount to 284,000*l.* I do not find the item of hardware among them at all, and I may, therefore assume that there was none imported. Now, I say, abolish all those duties for protection on manufactures; I assert, honestly that this would be no concession to us: we should do quite as well as we are doing now, if we had no protection at all; the test of

this fact is, that our manufactures here sell no dearer than those abroad; if so, it is quite clear that your protective duties have not had any effect in raising their price. There is a portion of the silk manufacture—a small amount, comparatively of that trade—that is admitted into this country. They are generally goods of a peculiar kind, rich in fabric and peculiar in their pattern. I say abolish protective duties on your silk manufacture. Is there any one here who states "I am for free trade in corn, but not in silk?" I tell that person I repudiate him as a free-trader, and do not desire his co-operation in my efforts to abolish the Corn Laws. I contend that you have no more right to a monopoly in silk than the Gentlemen opposite have to a monopoly in corn. I assert this openly on behalf of the Anti-Corn Law League. At the very time we put out our proposal for a subscription, which was chiefly raised among manufactures in this country, we distinctly put out our proclamation, saying that we did not ask a shilling from any one who was not willing to advocate the abolition of all protection in connection with his own trade as well as that of every other. But if with an apparent loss of two millions and a-half, what have you to gain directly by carrying out the principle of free trade—I mean as regards the revenue? Equalize your Sugar Duties. You are voting away 2,000,000*l.* annually, in protecting the growers of colonial sugar; that sum was not enough for hon. Gentlemen opposite, but they wanted a little more. Equalize the duty on sugar and coffee, and the equalization of your other colonial products will make up every farthing of revenue that you are going to lose by the abolition of these protective duties. You may abolish every protective and colonial duty, and the Statesman will find himself without the loss of one shilling in the revenue. I am glad upon this occasion to have the opportunity of again quoting an authority which has been referred to by the right hon. Baronet at the head of the Government with great approbation, when he wished to benefit by that Gentleman's opinion in an exception to his general rule—I mean the late Mr. Deacon Hume, whose opinion on the sugar question the right hon. Gentleman recently quoted with so much commendation. Now, I have reason to know that Mr. Deacon Hume's evidence on that point was the only part of his testimony before the Import Duties Committee which he himself regretted having ever given. I was in correspondence with him myself, about the time of his death, on the subject of publishing that evidence with notes and alterations; and I have reason to know that Mr. Deacon Hume regretted the qualification he made in favour of slave-grown sugar; and I believe, if he had lived, he would have expunged that part of it. But what is his opinion on the subject of revenue duties? He is very emphatic in his opinion upon that point before the Committee of the House of Commons. He is asked this question:—"Since, in your opinion, you ought simultaneously to reduce all the protective duties, you consider that the revenue offers no objection, but rather an argument in favour of doing away with those duties?" His answer is, "Certainly, my hesitation applies to the different interests that might be affected in their trade, and not to the revenue. There can be no doubt but that the revenue would instantly be increased by removing or sufficiently reducing the protections." Again, he is asked, "But do you hold you could do away with the protection in some cases without diminishing the revenue?" His answer is, "I am not aware of any case in which the revenue would be injured by removing the protection." He is asked again, "Do you consider that the revenue presents any obstacle at all to the doing away with the protective system?" He answers, "No, certainly not; I conceive that the prosperity of the revenue is greatly impeded by the protective system." There appears to have been a Gentleman on the Committee, entertaining the idea that it could not be possible to pay our State taxes unless we had a protective system; and, in answer to a question from one of those Gentlemen, Mr. Deacon Hume makes this statement:—He says, "A highly-taxed people cannot afford to give protection; an individual, whose necessary expenses are great, cannot be generous."—"It appears to me that the very circumstance of our being so highly taxed for the good of the State, is a reason why we should not be taxed between ourselves."—"I conceive that the people having paid private taxes, are less able to pay the public taxes." Now, Sir, on the authority of Mr. Deacon Hume, and on the facts which I have stated, I take my stand against all

protection. If you cannot make the advantage equal, it is unjust to some portion of the community; and if it is thus oppressive to any portion of the people, that portion never ought, if they have the spirit of Englishmen, to submit quietly to such an injustice. If you can make the system general, then general protection cannot be special protection, and you can do no good to anybody by its adoption. Abandon this system—it is unsound; it cannot be defended upon any principle of justice or sound policy; and therefore I ask you now to give your decision against the principle. You may say, "We are strong in power, we have the constituencies with us." Yes, you have the constituencies. How long will you stand on that pinnacle of power if the foundation of the pedestal on which you are resting gives way? You must show that you have a just footing before you can hope to maintain your present law. I have never heard one expression—I have never heard the question urged by hon. Gentlemen upon any side of the House—how this system benefits the farmer or farm-labourer; nor have they attempted to show how it can benefit the other classes of the community. You stand up and say, "I do this for the benefit of the farmer and farm-labourer; but my hon. Friend, the Member for Wolverhampton, did not ask you to say whether you would support the Corn Law for that purpose or not; but he requested you to come here and show how you have benefited them. Have you done that? Have you proved the benefit which you confer upon them? No; immediately you rise you begin talking in the future tense, as you do in all your arguments; you tell us what you imagine the opposite system would do to injure the farmer and farm-labourer; but you have never attempted to show how the present system can possibly benefit them. My hon. Friend the Member for Wolverhampton has brought this matter fairly before the House. This is not a Motion sanctioned by the leading Benches on this side of the House, I admit; but it is the sole question of controversy out of doors—there the point to be determined is entirely between protection and no protection—and when the hon. Gentleman on this side of the House, who has so large an amount of public confidence as my hon. Friend the Member for Wolverhampton has, brings forward a Motion against protection, I say the Government is not treating him with due respect, nor the public with justice, unless they meet the arguments which he has brought forward on this occasion. The right hon. Gentleman the President of the Board of Trade has told us that he will not argue this question, because protection is a principle which is recognised by this country; we come here to deny the justice of that principle. We call on you to justify that principle of protection. Is it not sophistry—I can call it no less—to meet us by saying, "The principle is admitted, and, therefore, we will not answer your arguments unless you give some special ground against this mode of taxing corn?" We take exception to the principle itself, and I ask the right hon. Baronet to meet the arguments of my hon. Friend by showing how this principle of protection can be beneficial to the country at large. Gentlemen upon the Treasury Bench have shown a disposition to evade this question. There is, for instance, the noble Lord the Member for North Lancashire: nobody can deny but that he possesses talent for debate. He came up to this House pledged to defend the Corn Law, and he has never yet opened his mouth upon the subject. I challenge him to give us his opinion on this point—I defy him to justify this law to the manufacturers of Preston and Blackburn, not to the minority, whom he says have petitioned this House, but to the majority who are opposed to this system. I ask him to show on public grounds the justice of this law. I do not ask him to do that which he is so competent to do as a mere slashing debater—to engage in personal skirmishes in this House—but I demand of him to show on public grounds the justice and policy of this system of protection. If he and the right hon. Baronet, or either of them, will rise in this House to defend this system, then it will go forth to the country, and the people of England will see whether the arguments of my hon. Friend the Member for Wolverhampton are sound and supported by reason and facts, or whether those principles on which you are going to vote on the other side are so founded. But I appeal to you on this occasion not to go to a division until you have given us some argument to show the justness and soundness of the views you profess to entertain.

Sir *R. Peel* said,—I can very sincerely assure hon. Members that it is not my intention to occupy much of their time

upon an occasion when this House has been engaged for the benefit of a company which generally performs at Covent-garden. It is with great reluctance that I do anything having the least tendency to prevent their enjoying a full benefit, and I must say I was very sorry to observe that during the early part of the performance the front bench on the other side of the House was wholly unoccupied. Of those places, there was not a single occupant until the gallant Admiral took his seat there; and even he was for a considerable time left alone in the occupation of that Bench. I can assure the hon. Members opposite—many of whom assisted at my benefit the other night—that I had no desire to be the cause of depriving them of a fuller audience. Throughout the evening, I have been here, as well as my hon. Friends near me, to witness the performances of that class of Gentlemen now present who have rehearsed their parts upon another stage. We have been here the whole of the evening, and we could not help listening with some surprise to the allusion made on the other side to the speech of my hon. Friend the Member for Northamptonshire. It was too much to say that a considerable portion of the time which my hon. Friend took in delivering that speech was spent without his making any reference to the main question. It would seem as if the hon. Member for Stockport would, if he had an opportunity, have advised my hon. Friend to apply himself more closely to the main question. I cannot help wishing that he had given that advice to the hon. Member for Wolverhampton. The House cannot have forgotten that the hon. Gentleman who came forward and who gave the tone to our deliberations, who, in fact, was the leading performer, took precisely the same course which the hon. Member for Wolverhampton complains against my hon. Friend for having pursued. The hon. Member for Wolverhampton addressed the House for the space of three hours and a half; one hour and a-half of which period was devoted to the production of newspaper reports of speeches delivered at meetings of agriculturists. The hon. Member who spoke last should recollect that his own leader is the author of this practice; and if the example of the hon. Member for Wolverhampton be followed at this side of the House, the hon. Member for Stockport is the last that ought to complain of it. He is the last that ought to complain if my hon. Friends at this side of the House came prepared with documents to remind their opponents of what they may have said respecting this question on former occasions. Now, Sir, I was very glad to see the second topic adverted to by the hon. Gentleman. The hon. Gentleman delivered a homily against the practice of calling names. Well, it's a very bad practice, but it happens that those who are the most lavish in their attacks upon others, and in throwing imputations upon the motives of others, are very often those who shrink the most from the application of a similar instrument to themselves, notwithstanding the readiness with which they denounce the system of calling names and imputing motives. Sir, I think if there be any party in this House who deal largely in the practice of affixing odious imputations to the motives of those from whom they dissent as to political measures, it is that very party of which the hon. Gentleman is so distinguished a Member. I don't defend the practice, but the example provokes retaliation. They are exposed to attacks of which they first set the example and then they are the first to declare that the practice of the calling of names ought to be dismissed from legislative argument, and the first to beg that for the future it might be discontinued. As they set the example of the practice, I hope they will set the example of its discontinuance. The hon. Gentleman says, "How is the Anti-Corn Law League to be defeated?" Sir, I believe that they have greatly diminished their own power by the use of the instrument which they have employed. I believe that they have provoked on the part of the tenantry of this country the utmost indignation, from their use of unjust imputations, and from the practice of attributing base, selfish, and interested motives to hon. Members. I believe they have provoked that indignation which has led to the combination against their proceedings. But a very short time since those hon. Gentlemen boasted that, whatever the landlords might think, the whole of the tenantry and labourers were ranged on their side. I apprehend, and I infer it from that very mitigated tone which they have assumed during the progress of this debate, that they have discovered that they have overstepped the limits within which it would have been prudent to confine

themselves, and that they have used instruments which have recoiled against, and in no small measure injured themselves. The hon. Gentleman next calls our attention to the particular Motion of which notice has been given, and he says, that we must not, and shall not escape from its discussion. But it appears from the speech of the hon. Gentleman, that the question now under discussion is the total and immediate abrogation of all protection in every shape on agriculture and manufactures. Well, but if that be the question, why has not notice been given to that effect? Nothing would have been more easy, if that were the intention of the Motion, than that the hon. Gentleman the Member for Wolverhampton should have given a distinct notice of a Motion to the effect that every duty imposed on the import of every article, which duty is not intended for purposes of revenue, but which operates by way of protection—that every duty on every article partaking of that character of protection shall be at once abolished. That is not the Motion of which the hon. Gentleman gave notice. The Motion of which the hon. Gentleman gave notice is simply this,

"That from the date of the passing of this resolution, protection to one particular department of industry, that is to say, agriculture, shall at once cease and determine."

What he intends to do with respect to protection to manufactures we know not; but we do know the meaning of the Motion of which he gave notice. The hon. Gentleman (Mr. Cobden) shakes his head. Does he dissent from the character which I am giving to this particular Motion? The Motion is this:—

"That any restriction of the supply of food, having for its object to impede the free purchase of an article upon which depends the subsistence of the community, is indefensible in principle, injurious in operation, and ought to be abolished. That it is therefore expedient that the Act 5th and 6th Victoria, shall be repealed forthwith."

The hon. Gentleman afterwards promises that having got that, he will proceed to destroy protection on manufactures. I think it would have been more satisfactory and more in consonance with his own arguments, if he had at least commenced with the removal of protection from those articles concurrently with its removal from corn. Well, I defend protection to agriculture on the principle, and to the extent I am bound to say, to which I have defended it before. I am about to pronounce no new opinions on this subject. I have a strong feeling, that speaking generally—and I am not now speaking of the amount of protection—I shall come to that presently—but, speaking generally, I think the agriculture of this country is entitled to protection, and that it is so entitled to protection from considerations of justice as well as from considerations of policy. I do consider that there are special and peculiar burthens on agriculture. I do believe that that portion of the Act which imposes burthens for the relief of the poor, and subjects the profits of trade to those burthens as well as the profits of agriculture, has not, so far as the profits on trade are concerned, been acted on, whilst it has been acted on with respect to the profits of agriculture. I say, on that ground, that I think there are special burthens applicable to agriculture. I think, also, that there are restrictions on the application of capital as concerns agriculture. I think, therefore, that considerations of justice do entitle agriculture to protection. I think that considerations of policy, so far as the general interest of all classes is concerned, justify this protection. I do not think so on account of the special condition of the landlord, but because I believe that great public evil would arise were this Motion to be affirmed to-night; and I don't believe that there are ten reflecting and thinking men, not excluding those in the ranks of the Anti Corn Law League even, who are of opinion that if to-morrow morning it were announced that the House of Commons had resolved that on next Monday week all protection should be immediately and suddenly withdrawn from agricultural produce—I don't believe, I say, that there are ten men in this country, even connected with the manufacturing and commercial interest, who imagine that such a precipitate withdrawal of protection would be for the advantage of the general interest of this country. See if we agree to this Motion what is to follow in its rear. If we are to trust the hon. Gentleman, and I am sure I give him every credit for speaking the candid and honest impressions of his mind; but if we are to trust him, all protection is to be removed—that is in respect to all colonial productions—in respect to coffee, and in respect to sugar, one fortnight after, every

protection is to be removed. Then, my belief is that in the present condition of this country that sudden withdrawal of all protection would paralyze commerce and introduce such general confusion and distress, that so far from the labourers benefitting, they would be involved in the common calamity. The proposal, then, which we have to decide is, whether with respect to the whole of your colonial productions—with respect to the whole of your domestic productions, you shall affirm this resolution, which though it appears to me to be confined to corn, necessarily involves the removal of every protective duty with respect to every product. I believe that nothing but confusion would arise from such a proceeding. I recollect the time when the right hon. Gentleman opposite (Mr. Ellice) made a most vigorous defence of the silk manufacturers in opposing a sudden withdrawal of protection from that interest. Why then, did the hon. Gentleman not give his notice in conformity with his intentions? Because he knew, that if he had advocated the removal of protection from every class of manufacture—on colonial produce as well as corn—he would have encountered a more formidable opposition to his Motion, and would have even aggravated the majority by which he will be met this evening. I do believe that it is for the interest of all classes of commerce and of manufactures, that we should, in such an artificial state of society as that in which we live, deal very cautiously and dispassionately with the removal of these prohibitions. I believe that the advances you make will be much more sure if they are made without grievously affecting existing interests. I ask you to look at the extent of capital employed in the cultivation of the soil—to look at the population of Ireland, entirely depending on its agricultural produce — to see the amount of the supply of corn obtained from domestic agriculture, at least nine-tenths of the whole quantity consumed, and to look at the condition of the population employed in its culture. I know, according to your strict rigid principles of political economy abstractedly—if we were to forget the condition and circumstances of the country and the interests which have grown up under the long endurance of protection—if we were to speak mathematically of these principles, no doubt they may be true. It may be true that a population from which protection is withdrawn ought to apply itself to other applications; but is that strictly true? If we are not mere philosophers and men of science having to deal with abstract or indefinite quantities, but have to consult the convenience, the comfort, the subsistence of great masses of millions of human beings, are we to disregard those convictions which must be presented for the consideration of the Legislature and of statesmen? I speak not merely of tenants under leases, but of tenants at will, and of the labourers. No doubt, as far as the law is concerned, there are few opportunities for the application of capital to other branches of industry; no doubt it is true, speaking literally and technically, that the labourers in Kerry and Galway, may go and seek for subsistence in Manchester and Coventry. That is all true enough in theory, but false in practice. How can you disturb a man who is far advanced in life, to the age, perhaps, of nearly half a century, whose father and grandfather before him were occupied in agriculture, and who knows nothing else himself? How is he to try this project, if suddenly removing himself from his old occupation and locality to new ones? Why, you would destroy his confidence in the application of his capital to agriculture as before, and you leave him without other modes for employing it. You may rejoice and indulge in these theories of modern philosophy and political economy; but when you have endangered and destroyed the peace and happiness of a nation, you will have but a sorry return for your pains. Looking, then, at the long endurance of the protection, at the amount of capital involved in agriculture, and the position of the population dependent on agriculture, and at the interests not merely of the landlords and tenants, but the comprehensive interests of all classes of the community I must give my solemn and unqualified opposition to this proposal for the immediate removal of the present protection to agriculture. But I will not shrink from the other question—am I prepared, then, as I am opposed to the immediate removal of protection, to bring under the consideration of the House any modified proposition for the altering the amount of protection determined upon two years ago, and carried into effect with the general goodwill and concurrence of the agricultural interest?

I say at once I am not. I am not holding language different from that which my right hon. Friend and myself held at an early period of the Session. We said then that we never had it in contemplation, and now we say that we have it not in contemplation, to make any alteration whatever in the Corn Laws. The noble Lord the Member for the City of London is absent upon this occasion. I regret it; but the noble Lord last night declared his intention of not voting against the proposal of the hon. Gentleman. Now the hon. Gentleman has very fairly called upon us to pronounce, to-night, whether we were for or against a total repeal of the Corn Laws. Nothing could be fairer than the proceedings of the hon. Gentleman the Member for Wolverhampton. You cannot impute to him that he wants to catch stray votes by a vague Motion. He says he does not want you to go into a vague Committee on the Corn Laws, but a Committee for the purpose of affirming or negativing this resolution, that the present Corn Laws should be repealed, and no others be substituted in their room. Thence arises the difficulty of the noble Lord—he is not prepared to vote against that Motion; he is not prepared for repeal; for the noble Lord thinks agriculture entitled to protection. The noble Lord is prepared to give protection to agriculture. On what ground then does he withhold the light of his countenance and the benefit of his address from those hon. Gentlemen with whom he is agreed? The noble Lord said last night that he found himself in a similar situation to that which I had described the Government to be—one of difficulty. No doubt we have met with difficulties as well as other Governments. But we have overcome them. We gave our votes: we did not shrink from our difficulties; we did not think we discharged our duty by running away from them. What was the objection to the noble Lord's voting against the Motion of the hon. Gentleman? Because my right hon. Friend intends to uphold the existing Corn Laws, he cannot vote with us, though he denounces the proposition of the hon. Gentleman. But the noble Lord was not always so squeamish. For, the other night, when vindicating himself for voting with Gentlemen to whom he was entirely opposed, he said he should not have carried the Reform Bill and other measures, if he had not voted in company with those from whose views he dissented, provided only that he concurred with them on a particular subject. But the noble Lord does concur with us in disapprobation of a particular vote. He has had an opportunity of explaining the grounds on which he founds his dissent; but he cannot make up his mind to give that vote which his judgment tells him is the proper one. The hon. Member for Gateshead is an advocate for a fixed duty, and he intends to vote for the hon. Gentleman who has done all he can to repudiate his company. An hon. Gentleman who tells him, "I do not invite you to vote with me upon any such pretence; for the resolution I mean to move in Committee is just as much directed on principle against a fixed duty as it is against the present sliding-scale." The Member for Gateshead therefore has no more reason for the vote he is about to give, than the noble Lord has for absenting himself upon this occasion. Now, the question between the noble Lord and between the Government is, as to the policy of making any alteration in the existing Corn Laws. We don't intend to make any alteration. I am speaking of those who admit that there should be protection to agriculture. The more discussion I hear, the more convinced I am that if protection is to be given to agriculture, it is infinitely better to maintain the present law than to attempt to conciliate any support or favour by any slight modification whatever. I think with the hon. Gentleman, that is the real practical question:—Is the present law to be maintained totally and entirely without any qualification or modification of it? I declare, that I do not see that any public benefit is to be derived from altering the law, not for the purpose of repeal, but even for the substitution of some such duty as that proposed by the noble Lord. It would give no advantage to trade. I do believe, that for the benefit of the trader and the consuming classes, the present law is far better than a fixed duty of 8*s.* would be. I should infer that, from the noble Lord's own argument. I never heard a better argument in favour of a graduated scale of duty in preference to a fixed duty, than I heard from the noble Lord last night. He was assigning his reasons why he so decidedly opposed the Motion of the hon. Member for Wolverhampton. The noble Lord goes quite as far as I do in objections to the removal of

protection to agriculture. The hon. Gentleman supposes—which I do not impute to the noble Lord—that the noble Lord is influenced by his unwillingness to declare for the removal of protection; but the noble Lord thinks it more convenient for a gentleman in his eminent political station not to discuss the question as to the amount of protection he would give. This is the language of the hon. Gentleman; not mine. The noble Lord thinks it more convenient to hold out to hon. Gentlemen on this side of the House, that if the worst came to the worst, they would have a fixed duty to resort to. I don't believe the noble Lord was influenced by such a motive. I believe him to be a sincere advocate of protection to agriculture; but he is in favour of a fixed duty in preference to a graduated scale. I should be sorry to impute to the noble Lord any language which he did not use, and, therefore, I took it down at the time. He said, "What can you reasonably expect from a sudden revolution?"—that is, from the success of the hon. Gentleman—"from a state of considerable protection to one of free-trade? The landlord and tenant would be doubtful how far their capital would be employed with profit." I am afraid they would be doubtful also under a duty of 5*s*. They would be so uncertain of the effects of a good harvest reducing the price of corn, that I am afraid a fixed duty would not relieve that anxiety which the noble Lord said the landlord and tenant would feel as to the application of his capital. The noble Lord said there would be a diminution in the employment of labour, and therefore a vast portion of suffering on the part of the poor. The next consequence would be, that there would be a much greater importation of corn into this country than would conduce either to the profits of the merchant or the advantage of the consumer, and therefore, he would so frame his law as to guard the merchant from loss in consequence of excessive importations. He said, that so important a change would give rise to extraordinary expectations of profit which would not produce cheapness or plenty; but, a glut which would occasion much distress.—That is just what I am afraid of. I am afraid that with a good harvest in this country there would be a great influx of corn under a low fixed duty, which would be great discouragement to agriculture here; because when corn is abundant here, a very small supply will produce a greater effect in the market than is proportionate to the amount of supply, and that discouragement would not be averted by a low fixed duty. I cannot help thinking, that there is more certainty with regard to the application of capital under a graduated scale than under a low fixed duty; for it does not expose agriculturists to the effects of unlimited competition. Therefore, the noble Lord, fearing a glut, fearing that the foreign merchant would pour in such a quantity of corn, that he himself would suffer, and that the landlords and tenants would be discouraged—just for those reasons he comes to the conclusion, that a law which admits the importation of corn when prices are high, and prohibits it when they are low, is not to be preferred to his own proposition of a fixed duty. It is a remarkable fact, how small a part of this discussion has been appropriated to objections against the existing Corn Law. I heard it repeated again to night, as it was constantly stated before, and denied by me, that in 1842 I gave to the agriculturist an assurance that the present law would secure to him a price varying from 54*s*. to 58*s*.—that was to say, an average price of 56*s*. Now, how is it possible that hon. Gentlemen, if they refer to what I did say, can repeat that assertion? [Mr. *Ward*: So it was understood.] It was understood! But I must ask hon. Gentlemen to look to what I said, and not to what they may have understood. I was told the other night that I made a certain statement respecting the Bank; I positively denied it, and hon. Gentlemen opposite bore me out in that denial. I did state, that I thought there would be no advantage to the agriculturist to have a higher price than 58*s*., or to the consumer that it should be lower than 54*s*. Taking 56*s*. as the sum assumed to be the average, and that which I thought would constitute a fair remunerating price, I distinctly added (this is not my own Report, but the Report of an impartial record):—

"When I name this sum, however, I must beg altogether to disclaim mentioning it as a pivot or remunerating price, or any inference that the Legislature can guarantee the continuance of that price; for I know it to be impossible to effect any such object by legislative enactment. It is utterly beyond your power, and a mere delusion, to say that by any duty, fixed or otherwise, you can guarantee a cer-

tain price to the producer. It is beyond the reach of the Legislature. In 1835, when you had what some thought was a nominal protection to the amount of 64*s.*, the average price of wheat did not exceed 39*s.* 8*d.*; and I again repeat, that it is only encouraging delusion to hold out the hope that this species of protection can be afforded to the agriculturist. To return, however, to the subject, I again say, that nothing can be more vague than to attempt to define a remunerating price."

I therefore appeal to any impartial man to say whether it is not inconsistent with the fact to say that I even countenanced the impression that the existing Corn Law would guarantee a price of 56*s.* When I mentioned 56*s.* as the average of past years, I stated that corn, as far as the Legislature was concerned, might vary between 54*s* and 58*s.*; and referring to former acts, I pointed to the disappointments which had taken place under them, and observed how utterly impossible it was for any legislation to guarantee a particular price to the consumer, it being regulated by circumstances over which the Legislature had no control. I do hope, therefore, that hon. Gentlemen will in future refer to my statements and not to that authority, high though it be, to whose lucubrations an hon. Gentleman has referred — Mr. George Robins, appraiser and auctioneer. I wish that hon. Gentlemen desirous of judging of the present Corn Law would refer to the debate which took place in 1842, when I introduced it. I wish they would observe the predictions which the opponents of it then made as to the certainty of its injurious effects, and see how far they have been borne out, or whether we ought now to be taunted for not having heeded those predictions. First of all, and the most positive prediction was, that the averages would be lowered 4*s.* or 5*s.* by the selection of the new towns. Now, the selection of the new towns has not altered the averages. [Mr. *Villiers*: They have been lowered.] I beg the hon. Member's pardon; if calculated from the new towns in combination with the old towns—although I have not lately looked at the Return—I think the result will show that the averages have been rather higher by the incorporation of the new towns than they otherwise would have been, and that the duty has therefore been lower. Another hon. Member predicted that the new scale would cause a greater amount of speculation than the old one, inasmuch as the stake being small, the risk would be less. Now, I do not believe that there has been so much speculation under the new as under the old law, or so much holding back of corn in order to pour it into the market when the price by reason of a scarcity had increased. I know that in April, notwithstanding the unfortunate appearance of the weather, no tendency was evinced towards the keeping back of foreign corn, and that in the last month there was imported of wheat alone no less than 80,000 quarters. In an agricultural journal (the *Morning Post* of Saturday last), giving an account of the existing law, I find these remarkable observations:—

"There was a time when we had what were then denominated weather markets at this time of the year, when the value of British grown grain was regulated by the state of the weather—when favourable weather for the crops reduced prices in Mark-lane, and when unfavourable weather produced contrary effects. These good times, both for the producer and also for the consumer, existed, however, before the present Corn Law deprived our farmers of that just and fair degree of protection to their crops, against the competition with it of foreign agricultural produce, in all our great markets of consumption, which had previously been extended to all descriptions of native produce. In Mark-lane, yesterday, the alteration in the state of the weather did not produce any proportionable alteration in the value of home grown wheat, its price continuing to be almost entirely regulated by supply and demand."

It was declared in 1842 that the present law would favour speculation, and yet now we find that there is no weather price for corn, that the price of corn no longer depends on fluctuations in the weather, but is regulated by supply and demand. Does the hon. Member for Stockport recollect his prediction as to the effect the present law would have on the commerce and manufactures of the country? He declared in 1842, that by enacting it we were going from bad to worse, and that nothing could be more delusive than to suppose that any increase in the demand for labour or any revival of commercial prosperity could be at all compatible with its existence. "Don't flatter yourselves," said the hon. Member, "that with such a law there can be a revival of trade, for I can demonstrate to you that such a thing is utterly impossible." [Mr. *Cobden:* "Are you quoting me?"] Yes, except that the language which you used was much stronger. The

hon. Gentleman said that Stockport would become something like a howling wilderness occupied by paupers. I won't say that the hon. Member made use of the words "howling wilderness," but he used expressions pretty nearly tantamount to that in reference to his own town. Nothing, however, could have been more express than his declaration that we were utterly deceived if we supposed that under such a law as the present there could be anything like a restoration of commercial prosperity. Now, without meaning to say that 1843 afforded that amount of prosperity I should like to see, yet, comparing it with preceding years, you will find that those declarations, those predictions of 1842, have been completely falsified. The hon. Gentleman said in that year that we were not aware of the danger that was impending over us,—that before very long society in the manufacturing districts would be in a state of dissolution. [Mr. *Cobden:* "And it was so."] It was so? Well, then, if concurrently with the passing of the present Corn Law society in the manufacturing districts was in a state of dissolution, I ask you, what is its present condition? Is there not a great improvement in it, and has not the prediction of the hon. Member that the present law would be incompatible with an increase of manufacturing prosperity been completely falsified? Take the declared value of the cotton manufacture in 1843, as compared with that of 1842, and you will find it to have been 16,200,000*l.*, that of 1842 being only 13,900,000*l.* The export of yarn has diminished, but the export of goods in a higher state of manufacture has increased. Earthenware—the hon. Gentleman particularly dwelt on the export of earthenware—well, from 555,000*l.* in 1842 the export of earthenware has increased to 649,000*l.* Glass has increased, hardware and cutlery have increased, linen manufactures, silk and woollen manufactures have increased. During the existence of this law, which was said to be fatal, at least, to commercial prosperity and intended solely for the benefit of agriculture, the export of all the great branches of manufactures has in 1843 greatly increased as compared with 1842. The noble Lord says, take great care of your imports; he draws a great distinction between imports and exports—a distinction which, with all respect for him, I have never been able to understand. I have given, in the case of exports, the declared value; I only give the official value of the imports. But, from the importance the noble Lord attaches to imports, he will learn with satisfaction that, whereas the imports of 1842 were in point of official value 65,204,000*l.*, under the operation of the Corn Law they had increased in 1843 to 70,093,000*l.* I am only stating these things for the purpose of showing that the confident predictions that were made with respect to the practical operation of this Bill as to the increase of the duty on foreign corn by the lowering of the averages, the increased encouragement to speculation, and its incompatibility with manufacturing and commercial prosperity, have been altogether falsified, and that Her Majesty's Government have no motive whatever, taken from the experience of the past operation of this Bill, now to consent to its change. The noble Lord (Lord Howick) the Member for Sunderland, in the course of a very able speech last night, appeared to differ from the noble Lord the Member for London (Lord J. Russell), and to be prepared to go all lengths in respect to the immediate removal of protection to agriculture; and the noble Lord justified his opinions by an appeal to feelings and passions which I cannot but think are extremely dangerous. The noble Lord predicting in 1844—as there were predictions in 1842—gave the most confident assurance that if you will repeal the Corn Laws there will be an increased demand for industry; that there will be so far as legislation is concerned the immediate restoration of prosperity. Sir, there have been many years during which, under the operation of the Corn Laws, there has been the unrestricted import of foreign corn. During the war, the duty on foreign corn was not in operation; the price of corn was then such, that the trade in corn was perfectly free. I cannot discover that during that period of the free importation of corn there was a cessation of those privations which, I fear, are inseparable from the artificial state of society, in a great manufacturing country. I have the most confident persuasion, that if you were to repeal the Corn Laws, and permit the most unrestricted import of foreign corn, there would not be that immediate demand for industry on which the noble Lord relies. The noble Lord says that the poor man has a right to insist from the Legislature for this—that there

shall be a fair day's wages for a fair day's work. In my opinion, no legislative enactment you can pass can give a guarantee that that right shall be established. The noble Lord wishes to maintain the present constitution of society, he wishes, I apprehend, to maintain in the possession of its privileges the present constituency; but if his opinions were to prevail, my belief is his expectations would not be realised—my belief is that it is impossible in this or any other country for the Legislature to realise that expectation which the noble Lord says is a justifiable one, and which the Legislature ought to be required to realize—namely, that on all occasions, and under all circumstances, he who tenders a fair day's work shall have a fair day's wages. [Lord *Howick:* I expressly qualified the remark.] I did not understand the noble Lord to qualify the observation. If the noble Lord wishes me to proceed on the assumption that he did say so, all I can say is, that I fear that great disappointment will arise from the position—that it will be found after the repeal of the Corn Laws there is not that perfect prosperity the noble Lord seems to anticipate, and that the parties in their disappointment will revert to him and say, your remedy is imperfect. The importation of foreign corn has not fulfilled your expectations—there is not that demand for industry you anticipated — there is not a fair day's wages for a fair day's work. Now, we come and make use of your arguments, and urge on the Legislature that right we have. We fortify ourselves by your authority, and demand those further changes which will give us that right. I believe the noble Lord's analogy between the state of new countries like Canada and the United States, and the position of a country like this, is totally inapplicable. I think that reasons could be shown why there is a demand for labour with increased wages in countries circumstanced like Canada, the United States, and New Zealand, which do not apply to an old country with great manufacturing establishments. I look to the United States—even if I admit the analogy of the noble Lord's to be strictly applicable—I look to the writings of recent travellers in the United States, and I find where there are no restrictions on food there still prevails great distress. In New York and in Philadelphia, recent writers have declared that there is the severest suffering on the part of the labouring population. On these grounds, I cannot place confidence in the predictions of the noble Lord. I don't believe that the removal of these restrictions will have the effect of so increasing the demand for industry as to realize the expectations of the noble Lord, that even the honest and industrious man can at all times command a fair remuneration for his labour. Thanking the House for their indulgence, I shall not now farther trespass on their attention. I have attempted to assign the reasons why I totally dissent from the proposal of the hon. Gentleman with respect to the absolute repeal of all protection; why, without adopting any new opinion for the present occasion, I give my preference to the principle of the Bill of 1842, over the principle of the noble Lord, who is an advocate for protection; and why I repeat that declaration I made at the commencement of the Session, on the part of the Government, that we do not intend, and have not intended, to diminish the protection which the existing Corn Laws give to agriculture.

Viscount *Howick* begged to explain. The right hon. Gentleman had entirely mistaken him; but he would content himself with stating what he did say. The right hon. Gentleman imputed to him that he had said, that a repeal of the Corn Laws would produce an immediate and sudden return to prosperity, and ensure the poor man on all occasions, at all times, and under all circumstances, a fair day's wages for a fair day's work. He had said no such thing. What he did say was this—that, in his opinion, society was so constituted by Providence, that if not interfered with by artificial restrictions, labour would always, in a sound and wholesome state of society, ensure its due reward. He said, that on the admission of both sides of the House, there had been a progressive declension of wages and profits to a ruinous point; that if these restrictions were removed, natural causes would, in general and in ordinary circumstances, secure to the poor industrious man a fair return for his labour; and that a system of legalized relief was a proper source for extraordinary emergencies, but not the proper means for habitual and ordinary dependence.

Sir *R. Peel*: I assure the noble Lord I shall abide by the noble Lord's own construction of his words, both now and on all future occasions. But I must be allowed to refer to the passage which led

me to put the erroneous construction on the noble Lord's words. Whatever the noble Lord's intentions, he certainly used these words:—

"We might give men a new value for their labour by diminishing competition; and enabling them to obtain higher wages for their labour. This could be done. The poor asked and it was all they asked, a fair day's wages for a fair day's work. They had a right to ask this, and the Legislature had the power to give it them by simply relieving them from the artificial restrictions. What had prevented them from turning their labour to the best account."

He quoted this to show that he had had at least some foundation for the sentiments which he had attributed to the noble Lord.

Viscount *Howick*; I feel that I am compelled to make another observation. The passage quoted by the right hon. Baronet is perfectly consistent with the explanation which I have felt called upon to make. I looked at the Report of what I said last night in the papers of this morning, which I am not much in the habit of doing; and I suppose, that owing to the late hour at which I spoke, the many important qualifications which I made with reference to the general proposition were not refuted.

Mr. *Ellice* stated that he had had no intention to make any remarks on the question before the House at that late hour; and he should not have done so but for some allusions which had been made by the right hon. Baronet to some observations which he had made on a former occasion. The right hon. Gentleman was perfectly right in supposing that if the Motion before the House was for getting rid of all protecting duties for all branches of industry throughout the country that he should very much hesitate before he gave it his support. He knew how many great and complicated interests had grown up under this system, and that it required the greatest care on the part of the Government in dealing with them. But although he made this admission to the right hon. Baronet, he was perfectly prepared to support the Motion of the hon. Member for Wolverhampton. He saw only one alternative—either that he must adopt this attempt to reform the state of the Corn Laws, or remain content with the present state of those laws, which he believed were most detrimental to the best interests of the country. But what was the state of the question of the Corn Laws as contrasted with a branch of industry referred to by the right hon. Gentleman? It was admitted on all hands that you must raise a revenue upon some articles of impost, and then the question arose upon what articles the duties should be imposed and he confessed that he knew none better adapted for the purpose than articles of great luxury, like silk manufactures. But supposing that the duty imposed upon that description of articles was not altogether for the purpose of revenue, but was partly for protection, only contrast it with the amount on the important article involved in the present Motion. He found that while the duty on articles of silk manufacture was only 25 per cent., that this was only half the amount of the duty imposed on the most important article of food. He found that 40*s*. was the average price of corn in foreign markets, and at which price it could be sold here if there was no duty; but by the operation of the Corn Laws the highest duty was imposed upon this article, which, of all others, should be the most exempt from a protective duty. This was the ground upon which he went with respect to the importation of silk manufactures. The right hon. Gentleman had the goodness to refer to some observations formerly made by him on the subject, at which time he said, as he now repeated, that he did not wish to protect the silk manufacturers, or to exclude all competition, but that you should put your artizans in silk on the same footing with foreign artizans, so as to enable them to meet competition. He had always said, get rid of the duty on the raw material, and on food, and thus enable the poor man to enter into competition with the foreigner, and then talk of removing all protection on manufactures. He would not at that time of night go into the general question, but he might observe that there were many points of view in which it might be placed, which had not been touched on. The maintenance of the Corn Laws had been strongly urged on the ground of justice at the time that great changes were effected in the currency of the country, the effect of which was felt by the agricultural as well as by the other great interests in the country. But, in consequence of what was done at that time, it would appear that the landed interest regarded the Corn Laws as if they were some portion of the institutions of the country. He recollected what the right hon. Gentle-

man said at the time of introducing the present Corn Law, namely, that he did not intend to take any steps to insure 56*s.* as the average price, but he had led parties to believe that that was to be regarded as a reasonable price. But the right hon. Baronet should recollect that, at this price, corn would be one-third dearer than it was in other countries. This, be it recollected, was at the time when your manufacturers were brought into competition with those of the rest of the world; and did the House believe that, under such circumstances, they could induce the artizans of this country to pay one-third more for their food than those of foreign nations? It should be remembered that, formerly, this country possessed the exclusive advantages of machinery, but now they were also possessed by the other countries of the world. The hon. Member who had moved the Amendment had talked of the pressure of machinery on the population, but would he allow all other countries to enjoy the benefits of machinery, and deprive this country of its employment? They must take circumstances as they found them, and not as they wished them to be. While other countries enjoyed the same advantage of machinery as ourselves, it was impossible that the artizans of England could successfully compete with the artizans of the Continent and other countries, when food was one-third dearer here. It was because he believed that this state of things was most unjust and most injurious to the best interests of the country, that he should support the Motion.

Mr. *Borthwick* wished to make a personal explanation. Three times during the debate he had been referred to, and not in very courteous terms. When he told the hon. Member for Wolverhampton that he would vote for his Motion, he meant that he would vote for the rich and the poor, meaning thereby that all parties were equally interested in that question. He promised only to occupy two minutes. Pointing to the clock, the hon. Gentleman said they might time him if they would. He could not allow his opinions to be so grossly and seriously misrepresented as they had been. Throughout the whole debate there had been a most malignant feeling exhibited. It had been argued purely as a party question. The noble Lord had said that he and the hon. Member for Knaresborough presented singular specimens of legislative wisdom, because the one had moved and the other seconded the Amendment. He merely asked permission to set himself right on a matter as to which he had been seriously misrepresented by the noble Lord. He was as fully convinced as the noble Lord of the importance of machinery, but admitting its importance, even the noble Lord would not deny that its sudden introduction had for a time displaced labour to a large amount. Whether that displacement was compensated for a hundred fold in other quarters was quite another question; he admitted that it was compensated for, though not a hundred fold. The hon. Member for Sheffield had said that he seconded the Amendment with reluctance. He did so; but not because he hesitated to affirm the principle of the Resolutions of his hon. Friend (Mr. Ferrand), but because he doubted the justice and wisdom of putting the present question on that issue. He thought it better, perhaps, that the House should be called upon simply to say "aye" or "no" to the Motion of the hon. Member opposite (Mr. Villiers); and one object he had in rising was to ask his hon. Friend to withdraw his Amendment. He would not follow the noble Lord into the field of thistles near the residence of the right hon. Baronet at Tamworth; but if, for once, he might be permitted to give that right hon. Baronet a little advice, he would say, "By all means get rid of that field of thistles, or you will soon find amongst your neighbours a crowd of animals, distinguished for the length of their ears, but not for the harmony of their voices."

Mr. *Bright* said: I would not willingly occupy any of the time of the House at this late hour, did I not feel that my duty requires me to make some observations on the important question before the House, and especially after the speech the right hon. Baronet has just delivered. It is generally advantageous to have a speech from the right hon. Baronet on this question; he narrows the ground upon which he is willing to defend the Corn Law. Three years ago, at the celebrated Tamworth dinner, the plea of special burthens was used as making it needful to give a higher protection than 8*s.* per quarter to agriculture. The special burthens were not pointed out. We could not get at them, but now the right hon. Gentleman has summed them up in the imposition of the rate

for the relief of the poor. ["No, no."] I have no wish to misrepresent the right hon. Gentleman, but this I understood him to say. Now, the noble Lord, the Secretary for the Colonies comes from a county where the landed interest are not quite so all-powerful as in some other counties—where there is other property than that which consists in acres—and he might have informed his hon. Colleague that in that county there are poor-rates to pay as well as in the counties where agriculture is the chief pursuit. The manufacturer who has a mill pays the poor-rate on the building, steam-engine, and on everything which is considered by law to appertain to the freehold; but he does not pay the rate on his machinery, on his raw material or manufactured article, nor on his floating capital. How is the farmer served? Is he more hardly used? He pays on his farm and farm buildings so much in the pound on the amount of his rent, but he does not pay on his ploughs and harrows, on his stacks or growing crops, or on the money he may have in the bank to pay his rent. Where, then, is the difference in the two cases? Is there any distinction which gives the farmer a claim upon the public to pay his poor-rate from an extra charge upon his wheat? Has not the manufacturer just as good a right to come to this House for a law to enable him to pay his poor-rate as the farmer has? But how does the right hon. Gentleman make it out that the poor-rate is a burthen on the farmer? If the poor-rate were off altogether the simple result would be that the rent would be so much higher. If the right hon. Baronet will cross the Tweed, and ask the first farmer he meets why he can afford to pay so much higher rent than the farmer south of the river, he will be told that, as the Scotch farmer pays almost no poor-rate and no tithes, an amount equal to those imposts is added to the rent. Some forty years ago the late Lord Eldon said that remission of taxes was of no use to the farmers; for, whilst great competition existed for farms, the amount remitted must of necessity be swallowed up in rent. The right hon. Baronet had also spoken of the capital invested in the soil; if he mean the value that is on the land, I cannot understand how the fact of a man's possessing property in land can give him any claim to an extra price for the produce of the land at the expence of the community. If it is meant that the farmers have invested great capital in the soil, why, is it not the constant complaint that agriculture suffers more than all from a want of capital; and is it not evident that, under this protection of the Corn Law, capital may be said positively to shun the soil? The right hon. Baronet has spoken of the predictions of my hon. Friend the Member for Stockport. That hon. Gentleman is precisely the man of all others who has avoided hazarding predictions. He said, and every one who thoroughly understands the Corn Law said, that this country never could rise from the depression which so lately existed except through the repeal of the Corn Law, or that, through the bounty of Providence, we were again to be favoured with good harvests. The right hon. Baronet owes his safety, as does the country, to the change in the seasons. What was the condition of the right hon. Baronet some two years ago? How did he bear the weight of the responsibility of his office then? Was not his mind almost pressed down by the difficulties which surrounded him, and were not all the power and all the honours of his high office but a poor compensation for the cares which then pressed upon him? The condition of the country was such as to excite the liveliest apprehensions; and I am sure there is not a man in this kingdom more thankful for the change of seasons than is the right hon. Baronet. It is said we have found no fault with the present law. Is there a feature about the old law which is not discoverable in this? And when the same circumstances come round, the same results will assuredly be produced. During fair weather the Corn Law is partially in operation; its hideous features are to a great extent disguised; but good harvests will not always be granted us; and, when the unfortunate seasons come round again, then again will come disaster and distress. Must we wait for justice till events compel you to grant it? Why not abolish restriction now whilst we have a respite? You may shuffle and evade the question, you may use sophistry, you may deny our facts and disregard our arguments but this you will never disprove, that this Corn Law which you cherish is a law to make a scarcity of food in this country, that your own rents may be increased. The noble Lord the Member for North Lancashire himself acknowledged that the Corn Law raised prices and raised rents, and did not raise wages. It leaves all other classes to bear the effects of the fiercest competition, whilst it shelters the landlords altogether from competition. I

am convinced that, whatever may be the feelings of confidence now entertained by the right hon. Baronet, whenever bad harvests again occur, he will either abolish this law or his Government will be overthrown, as was the Government he succeeded by the bad harvests we have lately suffered from. I do not wish this law to be repealed in times of excitement, nor do I wish its destruction to be achieved as a great party victory; I would rather it were for ever abolished by the unanimous verdict of the honest and intelligent classes of the country. We should regard it as a question of great national interest, not as one affecting our own profits or property; we should legislate upon it in such a manner that, laying our hands upon our hearts, we may say that we have dealt with it on great and just principles, with an honest regard to the common good and not merely with regard to the claims of a particular interest.

Colonel *Sibthorp*, amidst loud calls for a division, and considerable indications of impatience, said, that the hon. Member for Durham had talked a good deal of class interests, and expressed a great desire to protect the interests of the working classes against what he might call the aristocracy of the country; but he would ask if his conduct on the sugar question bore out his expressions of his opinions? The hon. Member belonged to the Society of Friends, and advocated the views of those who were not friends to the people at large, but friends to their own interests.

Mr. *Villiers*, in reply, said he heard some hon. Members reminding him of the length of his previous address, he was not going to repeat that infliction, and they need not interrupt him. He had one reason for being short, that he had nothing to reply to; the question had been shirked; he had expected that hon. Members opposite would not venture to discuss the question this year. ["Oh!"] He did not mean to say, that hon. Members did not dare speak, but that consistently with a regard for truth they dared not contradict the statements on which the case for abolishing the monopoly in food was grounded. He called upon them distinctly either to prove the good the law in question had done to the community, or disprove the evils that were asserted and shewn to have followed from it. They could do neither; and to that just challenge they had remained mute. Its evils are obvious; they ventured not this year to say that those were benefitted for whose interest they had been pretending to support it. The debate was now concluded, because the important speech on the occasion had been made; he meant that of the right hon. Baronet, and its importance was admitted to him by one opposed to his views, and on this account, which the right hon. Baronet could hardly be ignorant of himself, that until he delivered that speech, neither his friends nor his opponents knew of what character it would be. He (Mr. Villiers) had been told by an opponent that evening, that if the right hon. Baronet made a thorough protection speech, with no wanderings into the labyrynth of free-trade, and no admission again of the justice of that principle, that he would then unite his real friends again, and that he would receive cordial support upon all the questions on which they had separated from him; let him, in fact, only say that he would support the present law as it is, without reference to any thing or any body else, and he would hear no more of Ten Hours' Bills, or Poor Law Bills, or any more cant about the suffering of the poor. Well, then, this famous speech has been made—a speech, it seems, to satisfy dissatisfied supporters—an out-and-out protection speech—a fresh pledge to those who considered themselves deceived. He saw hon. Gentlemen were satisfied. He wondered whether any of those who appeared to be so were in this House in 1839. Did they remember certain assurances given on that occasion. The speech of to-night was just a counterpart of that made in 1839. It was characterised by the same features—great levity—apparent disregard of the privation endured by the people, and a solemn pledge given to the agriculturists, that he will firmly adhere to the present law. He did not recollect a single assurance intended to be given by the speech they had just heard, that was not given more solemnly in 1839. Where were hon. Members' grounds of confidence in this law being maintained? Upon the faith of such pledges the right hon. Gentlemen got together a majority to turn out the late Government, because they had proposed to deal with the monopoly, and when the power was acquired they knew what happened. He did not blame the right hon. Gentleman for having broken faith with his friends, he would have been much more to blame had he not done so, or attempted to have done otherwise. The fact was, he could not

resist or prevent events which were inevitable, and he might say now, as he said before, whatever he pleased, or whatever would please his friends, but he must again, as he did before, throw his friends, and his pledges, and his principles overboard, when an overwhelming necessity springing out of the wants and privations of the people rendered it necessary. If the things said in defence of this law by its friends were true, this would not be necessary, but they are notoriously otherwise; and when men were starving, something else than talking or saying what was untrue was required to satisfy them. This law threw upon its upholders the responsibility of providing the people adequately with food; this was undertaken by them to be done, but regularly at given periods did it fail to do it. The people were able by free and regular commerce to feed themselves through their own industry—this law prevented their doing so—it was bound, therefore, to accomplish the object in some other way. Whenever the harvest was bad, by making the people depend upon the accident of a season, they were subject to great want and suffering, and the Minister, whoever he might be, was obliged—for he would not venture to do otherwise—to relax this law, which was for cutting off a vast source of supply to this country. Now, he said, while the law remained, the same reasons existed for the recurrence of the evils that had followed under it already, and Gentlemen opposite might be satisfied if they liked with the right hon. Baronet's promises, but under present circumstances they were only made to be broken, as they would discover ere long. They were certain of their majority now, but let them recollect that it was only the other day that the right hon. Baronet told them that the revenue could not be collected if the cost of living was not reduced. [*Cries of* "Question."] The hon. Member who was attempting to put him down (the brother of the President of the Board of Trade he believed) would not succeed. He was speaking to the question. He was speaking to the point, when he read those extracts from Gentlemen's speeches that were made in the recess, notwithstanding the remark of the right hon. Baronet. He read those extracts to shew that while the only substitute for liberating the trade in food, would be in applying the most intelligent improvements to agriculture, to the cultivation of the land with the view to great production and adequate supply, but the effect of the present system had been to retard those improvements hitherto, and was calculated to prevent it in future; and that all the knowledge that they possessed as to the better modes of culture were useless unless a more liberal system was pursued towards the occupiers, and which could only be expected under the influence of competition, and he said that when hon. Gentlemen were setting up the necessity of monopoly for the agriculture of the country, it was in point to examine the truth of such a plea by the evidence afforded by the hon. Gentlemen themselves; and now he was determined that it should be distinctly known to the country under what circumstances the vote was about to be given. He had proved that the people were inadequately supplied with food from the soil of this country—that they had suffered intensely from this circumstance, and that numbers were still suffering—that there was no prospect at present that their wants would, with their increasing numbers, be adequately supplied by the growth at home, and that the population was stillrapidly and daily increasing—indeed, since he had been in the habit of originating discussion on this matter, there had been 2,000,000 added to the people—and now, when the necessary consequence of this condition of the people was, that they must work hard and long for the bare necessaries of life, Gentlemen came forward with long faces whining over their fate, and urging everything to excite feeling and passion among the people themselves at what they called their wretched state, and yet when a great primary cause of the evil was pointed out to them, and they were implored to assist in removing it, for some very good reasons of their own, but which it would not be difficult to explain, they were going to perpetuate that cause of suffering, and treat the request to remove it almost with derision. He challenged anybody upon examining this debate to discover one solid reason why this law or such a policy, under the circumstances of the country, should be continued. He could not wonder at the feeling of the people towards this House, when they witnessed such disregard to the public and general interests. A working man had come to him only that morning and detailed to him what he and his family had suffered during the last four years from want of employment and the high price of living relatively to his earnings. He said "I wish you may succeed, Sir, in moving the feelings of that House on this subject; I wish you may turn their hearts to do

what is just to the people at large in abolishing so wicked a law; but I fear you never will." He (Mr. Villiers) told him not to despair, but this man was convinced that while 6,000,000 out of 7,000,000 of the male adult population remained wholly and entirely without a voice in the Legislature, that their chance of justice was very small. It was for the House to consider how far they would justify that opinion by the vote they were about to give—certainly they acted with their eyes open on this question.

Amendment withdrawn. The House divided on the original Motion;—Ayes 124; Noes 328: Majority 204.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Armstrong, Sir A.
Bannerman, A.
Barclay, D.
Barnard, E. G.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, Capt.
Blake, M.
Bouverie, hon. E. P.
Bowring, Dr.
Bright, J.
Brotherton, J.
Browne, R. D.
Buller, E.
Busfeild, W.
Byng, rt. hon. G. S.
Chapman, B.
Childers, J. W.
Clay, Sir W.
Clive, E. B.
Cobden, R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Craig, W. G.
Dalmeny, Lord
Dashwood, G. H.
Dennistoun, J.
D'Eyncourt, rt.hn.C.T.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Duncombe, T.
Dundas, F.
Dundas, D.
Dundas, hn. J. C.
Easthope, Sir J.
Ellice, rt. hon. E.
Ellis, W.
Elphinstone, H.
Ewart, W.
Fielden, J.
Ferguson, Col.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Forster, M.
Gisborne, T.
Granger, T. C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hindley, C.
Hollond, R.
Horsman, E.
Howick, Visct.
Humphery, Ald.
Hutt, W.
Johnson, Gen.
Langston, J. H.
Layard, Capt.
Leader, J. T.
Leveson, Lord
Macaulay, rt. hn. T. B.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Mitchell, T. A.
Morison, Gen.
Muntz, G. F.
Murphy, F. S.
Napier, Sir C.
O'Connell, M.
O'Connell, M. J.
Ord, W.
Paget, Lord A.
Parker, J.
Pattison, J.
Pechell, Capt.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Ponsonby, hn. C. F. A.
Protheroe, E.
Pulsford, R.
Ramsbottom, J.
Rawdon, Col.
Ricardo, J. L.
Roebuck, J. A.
Ross, D. R.
Russell, Lord E.
Rutherfurd, A.
Scrope, G. P.
Shelburne, Earl of
Smith, B.
Smith, J. A.
Standish, C.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Trelawny, J. S.
Troubridge, Sir E. T.
Tufnell, H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wood, C.
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Villiers, P. S.
Gibson, M.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Ainsworth, P.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archbold, R.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey, Earl of
Ashley, Lord
Astell, W.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Balfour, J. M.
Bankes, G.
Baring, hon. W. B.
Baring, T.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, T.
Bennett, J.
Bentinck, Lord G.
Beresford, Major
Berkeley, hon. G. F.
Blackburne, J. I.
Blackstone, W. S.
Blandford, Marq. of
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bowes, J.
Bowles, Adm.
Bradshaw, J.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brooke, Sir A. B.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Byng, G.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Carnegie, hon. Capt.
Cartwright, W. R.
Castlereagh, Visct.
Chapman, A.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt.hn. Sir G.
Codrington, Sir W.
Collett, W. R.
Colquhoun, J. C.
Colvile, C. R.
Compton, H. C.
Copeland, Ald.
Corry, rt. hon. H.
Courtenay, Lord
Cresswell, B.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dawnay, hn. W. H.
Denison, W. J.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Disraeli, B.
Dodd, G.
Douglas, Sir H
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marq. of
Dowdeswell, W.

Drummond, H. H.
Duff, J.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Entwistle, W.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forester, hn. G. C. W.
Forman, T. S.
Fox, S. L.
Fremantle, rt. hn. Sir T.
French, F.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Halford, Sir H.
Hallyburton, Lord J. F.
Hamilton, J. H.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, J.
Harris, hon. Capt.
Heathcote, G. J.
Heathcote, Sir W.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Henniker, Lord
Herbert, hon. S.
Hervey, Lord A.
Hillsborough, Earl of
Hodson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Howard, Lord
Howard, P. H.
Howard, hon. H.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Ker, D. S.
Kirk, P.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Knightly, Sir C.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Lemon, Sir C.
Lennox, Lord A.
Leslie, C. P.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, Sir J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Macnamara, Major
McNeill, D.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Marton, G.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
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THE END OF VOL. LXXV.

THOMAS CURSON HANSARD, PATERNOSTER ROW.